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against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

NEW ZEALAND *

* For the initial report submitted by the Government of New Zealand, see CEDAW/C/5/Add.41, CEDAW/C/5/Add.41/Amend.1 and Corr.1; for its consideration by the Committee, see CEDAW/C/SR.105, CEDAW/C/SR.106 and CEDAW/C/SR.109, and Official Records of the General Assembly, seventh session Supplement No. 38 (A/43/38), paras. 74-126.

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INTRODUCTION

NEW ZEALAND ratified the Convention on the Elimination of All Forms of Discrimination Against Women on 20 December 1984. New Zealand's first report was submitted to the Committee on the Elimination of Discrimination Against Women in October 1986 and was considered by the Committee at its 105th and 109th meetings held on 16 and 18 February 1988.

This is New Zealand's second periodic report to the Committee, submitted in accordance with Article 18 of the Convention.

In preparing this report New Zealand has had regard to its previous report, to the proceedings of the Committee in regard to that report and to the Committee's guidelines for the preparation of second and subsequent periodic reports.

This report covers information and statistics that were not covered in the initial report, and focuses on developments between submission of the first report and February 1992, the date of preparation of the present report.

Much of the statistical data on women in this report comes from the 1986 census. The most recent census was conducted in 1991, but as at February 1992 not all the census data on women had been analysed by the Department of Statistics. Updated statistics should be available when the Committee considers New Zealand's second report.

Women's non-governmental organisations have been consulted in the preparation of this report.

New Zealand looks forward to discussing its second report with the Committee.

Part One
BACKGROUND

(a) Describe as concisely as possible the actual, general, social, economic, political and legal framework within which New Zealand approaches the elimination of discrimination against women in all its forms, as defined in the Convention.

POPULATION

General Background

Provisional 1991 census results show that since New Zealand's first report, the population of New Zealand has increased slightly in number to 3,375,903. With a total land area of 270,534 square kilometres, population density is 12.48 per square kilometre.

In 1991, children under 15 accounted for 23.2% of the total population. The working age population (15–59 years) was 61.4% of the total and the 60 and over age group accounted for 15.4% of the total. The median age of the population in 1991 was 31.4 years.

In 1986, 83% of the population claimed a religious affiliation, the majority being Christians (64% Protestant, 15% Roman Catholic). The leading minority religions are Hinduism, Buddhism, Judaism and Islam.

Women make up nearly 51% of the population. Projections indicate that women will continue to outnumber men into the next century. The greater number of women over men is projected to be about 84,000 in 2026. By that time the number of women in New Zealand is expected to exceed 2.2 million, almost a third more than at present.

The preliminary 1991 census results show a slight change in New Zealand's racial mix. A total of 73.8% of New Zealanders are of European ethnic origin, 9.6% of New Zealand Maori only ethnic origin, 3.6% of Pacific Islands only ethnic origin, and 12.9% mixed/other ethnic origin. The change in racial mix may result from a change in the questions asked between the 1986 and 1991 censuses; in 1991, people were asked 'Which ethnic group do you belong to?', rather than 'What is your ethnic origin?', and the category 'New Zealand European' was used for the first time. This has meant that persons identifying as Dutch, for example, would now be included in the 'other ethnic origin' category rather than in the 'New Zealand European' group.

Women of non-European descent have grown as a proportion of the total female population, increasing from 9% of all women in 1966 to 18% in 1986. At the same time, the number of Pacific Islands Polynesian females increased from 1% to 3% of the total female population. Women of ethnic minority groups in New Zealand are younger on average than those belonging to the majority European group. In 1986, the two youngest groups were Maori and Pacific Islands Polynesian women with median ages of 21.9 years and 23.3 years respectively. Indian women had a median age of 25.7, and Chinese women had a median age of 28.6. The oldest group was European women with a median age of 33.3. These differences in median age reflect past differences in fertility, mortality and migration patterns.

Rural/Urban

Although New Zealand is a predominantly rural country in terms of land use, only 16.2% of the population actually live in rural areas (defined as those areas excluding population centres of 1,000 or more people). The larger urban areas are in the north of the country and no urban area exceeds one million in population.

Official Languages

New Zealand has two official languages. English is the principal language used in public life. New Zealand Maori is an official language by virtue of the Maori Language Act 1987. It is estimated that there are about 50,000 fluent speakers of Maori.

CONSTITUTIONAL BACKGROUND

The Constitution

The New Zealand constitution establishes and reflects that New Zealand is a monarchy, that it has a parliamentary system of government, and that it is a democracy. It increasingly reflects the fact that the Treaty of Waitangi is regarded as a founding document of government in New Zealand.

The Constitution Act 1986 is the principal formal statement of the New Zealand constitution, although it is not entrenched as a higher law document and has the status of an ordinary statute. The Act recognises that the Queen – the Sovereign in right of New Zealand – is the Head of State and that the Governor-General appointed by her is her representative in New Zealand. Each can in general exercise all the powers of the other.

The Executive
In practice, only Members of Parliament may be appointed as Ministers of the Crown and as Parliamentary Under-Secretaries. Ministers sit in Cabinet which is in reality the body which governs New Zealand. Cabinet acts as final decision maker on all important matters of policy, decides the contents of government Bills to be introduced to Parliament and makes the decisions on government spending. Cabinet is a creature of convention and is not mentioned in legislation. The Executive also makes regulations and controls the state services.

Parliament
Parliament consists of the Sovereign and House of Representatives. The members of the House, which has one chamber, are elected by universal suffrage in accordance with the Electoral Act 1956. Each Parliament has a term of three years, unless it is dissolved earlier. The Governor-General has the power to summon, prorogue and dissolve Parliament. The Queen and the Governor-General act on the advice of their Ministers.

The Constitution Act provides for Parliament to have full power to make laws; a Bill passed by the House becomes law when the Sovereign or Governor-General assents to it. The Act abrogates the power of the United Kingdom Parliament to make laws for New Zealand.

The Constitution Act reaffirms the constitutional principles about parliamentary control of public finance: the Crown may not levy taxes, raise loans, or spend public money except through an Act of Parliament.

The Judiciary
The judiciary is the third branch of government. The Constitution Act includes mechanisms to preserve the independence of judges which is an important principle of the New Zealand Constitution. The judiciary interprets Acts passed by Parliament and also reviews actions of the Executive to ensure that they are acting within the law.

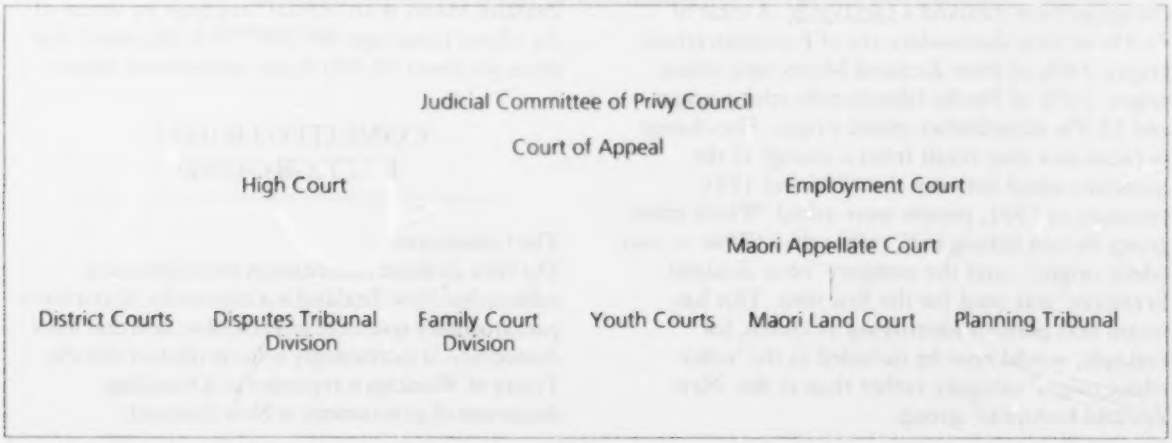
The hierarchy of courts is represented in the diagram at the bottom of this page:

New Zealand Bill of Rights Act 1990
New Zealand has a Bill of Rights, but the Act of 1990 is not entrenched as higher law. Thus, the judiciary cannot strike down laws which are inconsistent with it. Where a legal provision is ambiguous, the Courts are required to interpret that provision consistently with the rights and freedoms contained in the Bill of Rights Act.

The Bill of Rights defines basic human rights. It applies to actions of the legislative, executive and judicial branches of government and to the activities of the public service.

Other Sources of the Constitution
Included among other sources of the Constitution are the prerogative powers of the Sovereign, other statutes such as the State Sector Act 1988, the Electoral Act 1956 and the Judicature Act 1908, relevant English and United Kingdom statutes as defined in the Imperial Laws Application Act 1988, decisions of the Courts and conventions such as the democratic nature of the New Zealand Constitution.

Hierarchy of Courts



Political Parties
There are two dominant political parties, the National and Labour parties. During the reporting period, the Labour Party formed the Government between 1984 and October 1990, and the National Party from October 1990 to the present. Third parties have also been elected to Parliament in recent years in very small numbers, and a few members have left the main political parties to sit as independents.

Public Service
The state sector is responsible for implementing the policies of the Government. It comprises government departments and ministries along with the parliamentary, education, social welfare, housing, health and defence services, and a number of statutory organisations. The role of the public service is defined in the State Sector Act 1988, the Public Finance Act 1989 and the Official Information Act 1982, as well as in a large number of specific statutes.

THE TREATY OF WAITANGI AND MAORI ISSUES

In 1840 Maori hapu and iwi (the indigenous tribes and sub-tribes of New Zealand whose peoples now comprise about 14.5% of the population) signed a compact agreeing to exchange their governance for the guarantees of the Treaty of Waitangi. This treaty established the modern nation of New Zealand.

While the Treaty has always been recognised and valued within Maori society, it could not be enforced in the courts as it has never been incorporated into statute law. In a landmark Court of Appeal case in 1987 (New Zealand Maori Council v Attorney-General), the special relationship between the Maori people and the Crown was interpreted by the Court as requiring the partners to act reasonably and with the utmost good faith towards each other. A number of Acts of Parliament now require the Crown to have regard to the principles of the Treaty of Waitangi, or to Maori interests or a Maori perspective.

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal to recommend redress for Crown actions or laws which breach the principles of the Treaty. Successive Governments have implemented about one-third of the Tribunal's recommendations and have negotiated with iwi to attempt to resolve outstanding grievances concerning breaches of the Treaty.

The last decade has seen a re-emergence of issues related to the Treaty of Waitangi. Debate on the place and role of Maori people in New Zealand society increased considerably during the reporting period, and successive Governments have continued to develop their policies on Maori affairs.

In 1991, the Minister of Maori Affairs published *Ka Awatea*, a report which identified major disparities between New Zealanders of Maori and non-Maori origin in almost every area measured. The Ministry of Maori Development – Te Puni Kokiri was established in 1992, replacing the previous government bodies dealing with Maori affairs. The purpose of the Ministry is to promote higher levels of achievement for Maori by improving education, employment, health and economic opportunities.

Specific measures implemented to improve the situation of Maori, particularly Maori women, are included under the relevant articles of this report. Te Ohu Whakatupu, the Maori women's policy unit of the Ministry of Women's Affairs, exists specifically to advise on the status of and the impacts of policy on Maori women.

ECONOMY

Throughout the reporting period, successive Governments sought to establish an efficient, market-oriented economy and redress macroeconomic imbalances. Structural reform was rapid, broadly based and innovative, accompanied by a medium-term anti-inflationary financial strategy.

The repercussions of structural reforms after decades of government intervention were pronounced. Deregulation, easier market entry and lower border protection increased competition and resulted in significant restructuring and rationalising of enterprises. The public sector was subject to widespread reorganisation and management reforms. A goods and services tax (GST) was introduced and is presently levied at 12.5%. This move was accompanied by a reduction in the top personal income tax rate from 66% to 33%. A floating exchange rate system was introduced in 1985.

Inflation fell from 16.6% in 1985 to around 1% in January 1992, and there were significant falls in wholesale interest rates, mortgage interest rates, and gross public debt as a percentage of GDP. The merchandise trade balance improved.

Since the 1980s New Zealand has experienced a sustained period of poor economic performance, and real growth in the economy has been small. Unemployment rose sharply and by September 1991 11.6% of the labour force was unemployed. The economic downturn has put pressure on businesses to increase efficiency and reduce labour and other costs.

The New Zealand economy remains heavily

dependent on the export of primary produce – wool, meat, dairy products, fish and forest products. Horticulture and tourism are becoming important export earners. Agricultural exports accounted for 49% of total exports in 1991. Agricultural subsidies were removed in the 1980s and the farming sector is no longer sheltered from fluctuations in world commodity prices. New Zealand has made a substantial effort to reduce international protectionism and to make progress in the current GATT round towards reducing agricultural support and protection levels and helping to foster a more market-oriented agricultural trading environment.

The removal of tariffs and import controls has resulted in manufacturers restructuring their businesses, rationalising product lines and finding new export opportunities, especially under the Australia New Zealand Closer Economic Relations Treaty Agreement (CER). Exports of manufactured goods have begun to increase and made up 44% of total New Zealand exports in 1991. Manufacturing is the third largest employment sector in New Zealand.

The State Sector Act 1988 and the Public Finance Act 1989 radically reformed public sector activities. Evaluation criteria for activity were reoriented towards the efficient supply of outputs, rather than the monitoring and control of inputs. Ministers now choose the mix of outputs to be provided by departments to achieve desired outcomes (or results). The chief executives are more accountable in return for increased management autonomy and flexibility.

Government spending on social services (health, education and social welfare) increased from 22.7% to 26.6% of GDP between the financial years 1984/85 and 1991/92. The Government has sought ways to contain expenditure on social services without compromising outcomes. In 1990, the level of some social welfare benefits was reduced and eligibility criteria for most benefits were tightened, including the national superannuation scheme (state funded pension) and student allowances. A targeted system of user part-charges for health care was introduced in 1992 and changes were signalled to accident compensation. The Government's objectives have been to reduce expenditure and encourage New Zealanders away from dependence on the state towards greater personal and family independence.

Government departments involved in trading have been successively corporatised since 1986. Since 1987, the Government has sold a number of state owned businesses including Air New Zealand, the State Insurance Office, PostBank (the banking arm of the former Post Office), Petrocorp, New Zealand Shipping Corporation, the Rural Bank, Telecom Corporation of New Zealand and some forestry assets.

The present Government has introduced widespread labour market reform. The Labour Relations Act 1987, based on compulsory unionism and national award agreements for groups of workers, was replaced by the Employment Contracts Act 1991 which provides for individual employment contracts and direct negotiations between employers and employees. This Act has the intention of creating bargaining structures which reflect the needs of both parties.

IMPLEMENTATION OF CONVENTION

(b) Describe any legal and other measures adopted to implement the Convention, or their absence, as well as any effects which ratification of the Convention has had on New Zealand's actual, general, social, economic, political and legal framework since the entry into force of the Convention for New Zealand.

PREVIOUS RESERVATIONS

Underground Mines
On 13 January 1989 New Zealand notified the Secretary-General of the United Nations of the withdrawal of its reservation made upon ratification concerning the employment of women in underground work in mines (ILO Convention No. 45), having denounced the Convention on 23 June 1987 after consultation with the Government of the Cook Islands and the Government of Niue.

Women in Combat
New Zealand entered a further reservation at the time of ratification concerning recruitment of women into active combat roles and as aircraft or ship crew in the armed forces. The Government established a working party in 1990 to review the policy of not committing women to combat, and the *Report of the Working Party on Women in Combat* made a majority recommendation that women should be able to volunteer for combat roles in the armed forces on the same merit basis as men. The Government has yet to make a decision on whether to implement the recommendations of the working party. However, since August 1988, women have been allowed to perform all combat roles in the Royal New Zealand Air Force in peacetime. In 1992 the New Zealand Army announced that it would undertake a trial, to last two to three years, which will give some women the opportunity to train in combat roles.

No similar review, however, has been undertaken of the exception under the Human Rights Commission Act 1977 of male preference in positions involving the threat of, or actual, violence in the police and traffic safety services. The New Zealand reservation under this article also applies to this situation.

Maternity Leave with Pay
New Zealand's reservation concerning maternity leave with pay still stands.

EFFECTS OF RATIFICATION OF CONVENTION

It is New Zealand's practice to ratify international conventions only when the provisions are already substantially implemented in New Zealand law and practice, except for those areas which are intended to be the subject of reservations. That is why there was a gap of three years between signature and ratification of the Convention, when New Zealand was ensuring that its law and practice were substantially in compliance with the Convention.

Much of the Convention is already embodied in New Zealand law and its principles accepted by the great majority. Therefore, the impact of the Convention as such on the 'actual, general, social, economic, political and legal framework' has not been great. However, the Convention is considered to be a major human rights instrument, as important as the International Covenants on Civil and Political, and Economic, Social and Cultural Rights and the International Convention on the Elimination of all forms of Racial Discrimination. In addition, international obligations are increasingly being taken into account by New Zealand courts to guide them in interpreting statutory provisions.

The philosophical grounds of the Convention underpin the work of the Ministry of Women's Affairs. New Zealand's obligations under the Convention are referred to by the Human Rights Commission and the Equal Opportunities Tribunal in their statutory duties under New Zealand's human rights legislation.

COMPLIANCE WITH CONVENTION

(c) Describe whether there are any institutions or authorities which have as their task to ensure that the principle of equality between men and women is complied with in practice, and what remedies are available to women who have suffered discrimination.

THE HUMAN RIGHTS COMMISSION AND EQUAL OPPORTUNITIES TRIBUNAL

The Human Rights Commission was established by the Human Rights Commission Act 1977 as an independent body with three functions:

- to investigate complaints of discrimination and to mediate or prosecute complaints which have substance;
- to educate the public about human rights issues and to promote non-discrimination; and
- to comment on wider human rights issues and to ensure that New Zealand's laws and policy do not breach its international human rights obligations.

The present Chief Human Rights Commissioner is a woman.

The Human Rights Commission (HRC) Act covers a wide range of human rights issues. Its provisions on gender prohibit discrimination on the basis of sex and marital status in employment, some partnerships, trade unions and professional associations, qualifying bodies and vocational training bodies, access by the public to places, vehicles and facilities, in the provision of goods and services, in land, housing and by other accommodation and in educational establishments. Discrimination on the basis of sex has been defined by the Equal Opportunities Tribunal to include discrimination against pregnancy and sexual harassment.

The Human Rights Commission is required to try to mediate complaints, and manages to settle 90% of complaints in this informal way. Usually the Commission requires the introduction of preventative programmes and complaints procedures as a term of settlement of complaints of sexual harassment.

Where settlement cannot be achieved and if the complaint has substance the Commission can decide to prosecute the case. If the Commission decides not to prosecute the complainant can bring an action.

Prosecutions take place before the Equal Opportunities Tribunal which is established by the HRC Act. The Tribunal sits part-time and its chairperson must be an experienced practising lawyer. The Tribunal can award remedies ranging from a declaration that the defendant has committed a breach of the HRC Act, to damages, compensation and action to redress the breach of the Act. Defendants can be ordered to pay costs and, at the end of the reporting period, the Tribunal was given the jurisdiction to award damages up to $50,000. The decisions of the Tribunal can be taken on appeal to the High Court but not to the Court of Appeal.

Earlier cases taken to the Equal Opportunities Tribunal concerned overt discrimination. Cases since 1985 concern mostly sexual harassment and the remedies granted by the Tribunal have been increasingly creative. In the most recent sexual harassment case, in 1990, the Tribunal required the defendant to obtain educational information on sexual harassment and to display posters and pamphlets to employees who worked in the defendant's supermarket.

A full list of the Tribunal's decisions on sex discrimination and sexual harassment cases is provided in the Appendix.

THE EMPLOYMENT TRIBUNAL AND THE EMPLOYMENT COURT

The relationship between employer and employee is regulated by the Employment Contracts Act 1991. The grounds for an employee to pursue a personal grievance against the employer under this Act include discrimination and sexual harassment.

Discrimination is defined in the Employment Contracts Act as occurring when the employer:
(a) refuses or omits to offer or afford to that

employee the same terms of employment, conditions of work, fringe benefits, or opportunities for training, promotion, and transfer as are made available for other employees of the same or substantially similar circumstances; or

(b) dismisses that employee or subjects any employee to any detriment in circumstances in which other employees employed by that employer on work of that description are not or would not be dismissed or subjected to such detriment –

by reason of the colour, race, ethnic or natural origins, sex, marital status, or religious or ethical belief of that employee or by reason of that employee's organisation.

The Act also sets out provisions concerning sexual harassment by an employer and by a co-worker respectively.

All employment contracts must contain an effective procedure to settle personal grievance disputes. The Act sets out procedures which will be applied if this is not covered in the contract. If the parties do not reach agreement, the dispute can go to the Employment Tribunal which must mediate or send the parties to adjudication. Tribunal settlements are binding and can be taken on appeal to the Employment Court under certain circumstances. An employee can choose to take a personal grievance to the Employment Tribunal or to the Human Rights Commission and the Equal Opportunities Tribunal, as appropriate.

As this new employment legislation came into effect near the end of the reporting period, the cases of sex discrimination and sexual harassment which have been heard under the provisions of this Act are few, but some cases involving sexual harassment have been heard.

ADVANCEMENT OF WOMEN

(d) Describe the means used to promote and ensure the full development and advancement of women for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms in all fields on a basis of equality with men.

THE MINISTRY OF WOMEN'S AFFAIRS

The Ministry of Women's Affairs is the Government's principal means of promoting and ensuring the full development and advancement of women. The Ministry is a well respected and highly regarded department of State.

The purpose of the Ministry of Women's Affairs is to assist the Government to enable women to gain autonomy in all aspects of their lives, and within the social and cultural context of their own families, iwi (tribal) or other groups.

The Ministry was established in 1984 as an agency aimed at achieving:

- equality of outcomes for women in all their fields of interest and involvement;
- improvements in the opportunities available to women for equal participation in all spheres of community and economic life;
- responsiveness to the policy needs of Maori women in recognition of tangata whenua (indigenous) status and in terms of the Government's principal Maori policy objectives.

The primary objective of the Ministry of Women's Affairs is to provide the Minister of Women's Affairs with high-quality specialist advice on public policy issues involving the status of women.

The Maori women's policy unit of the Ministry is Te Ohu Whakatupu, whose role is to assist Government to realise the aims and aspirations of

Maori women as tangata whenua (indigenous people).

For the current financial year (1 July 1991 to 30 June 1992) the Ministry administers a budget of $4.55 million. It employs 45 staff and has four classes of outputs:

1 Policy Advice
This involves the provision of policy advice to the Minister and Associate Minister of Women's Affairs on legislation and any other policy proposals which have significance for women's social, economic or political equality, and evaluation of the extent to which public and private sector activities facilitate or inhibit women's status.

Key result areas for policy advice in this period include: childcare, continuing care, discrimination and sexism, education, housing, family issues, health, income distribution, paid employment and training, Maori women's economic development and housing, pornography, rangatiratanga (Maori policy), unpaid work and violence and women's security.

2 Information Services
This involves the provision of information and liaison services to the general public, particularly women. It includes publications, such as public policy discussion papers and monographs, the conduct of seminars, and liaison with organisations, firms and agencies whose activities influence or impact directly on women's status. Information gained by the Ministry through liaison and consultation may be used in the formulation of policy advice.

3 Ministerial Services
This involves the provision of services to the Minister and Associate Minister of Women's Affairs. It consists primarily of preparing draft replies to ministerial correspondence and parliamentary questions, and administering the Nominations Service (discussed under Article Seven) and the Wahine Pakari project for Maori businesswomen (discussed under Article Four).

4 1993 Suffrage Centennial Year Services
This output recognises 1993 as the centenary of women's suffrage in New Zealand. Included here are the provision of administrative services for the 1993 Suffrage Centennial Year Trust : Whakatu Wahine, liaison with organisations on 1993 projects which recognise and promote the achievements and aspirations of women, and monitoring the performance of government agencies in their planned 1993 activities. (Further details on the 1993 Centennial are given under Article Four.)

OTHER GOVERNMENT AGENCIES

The Equal Employment Opportunities Unit in the State Services Commission monitors the EEO performance of government departments. Departments have officers whose role is to ensure that a department's EEO obligations are met.

Women's policy and advisory units have been established in a number of government departments such as the Ministry of Education and the Department of Health, and in agencies such as the Hillary Commission on Recreation and Sport.

The National Advisory Committee on the Employment of Women continues to advise Government on women's participation in the paid workforce.

A Women's Health Advisory Committee was set up by the Minister of Health in 1989 to advise the Minister on women's health issues from a community/consumer perspective.

A joint public/private sector Equal Employment Opportunities Trust was established by the Ministers of Labour and Women's Affairs in late 1991. (This is discussed further under Article 11.)

NON-GOVERNMENTAL ORGANISATIONS

In addition to the formal government channels for promoting and ensuring the full development and advancement of women, there are many non-governmental organisations (NGOs) with similar objectives. They include:

- long-established, high profile, national organisations such as the National Council of Women, the Maori Women's Welfare League, PACIFICA (the main organisation for Pacific Islands women in New Zealand), the Country Women's Institute, the Society for Research on Women, the Federation of University Women, ALTRUSA and other women's service clubs, the Business and Professional Women's Clubs, the Women's Division Federated Farmers, the Young Women's Christian Association, and the women's organisations within the various churches;
- more recent national organisations which have expanded to provided a particular service to women, such as rape crisis and women's refuge;
- local initiatives such as women's health, resource, counselling and victim support groups and centres; and
- campaign groups which may operate nationally and/or locally, such as the Women's Electoral Lobby, Mediawomen, Women Against Pornography, the reactivated Council for Equal

Pay and Opportunity and the Coalition for Equal Value Equal Pay, the Federation of Women's Health Councils, and lesbian groups.

During the reporting period, these women's organisations engaged in a number of initiatives to change social prejudices and practices which stereotype and/or disadvantage women. With hundreds of active groups it is impossible to give an exhaustive account of this activity, but typical issues raised by women's groups during the period included:

- equal pay for work of equal value which resulted in the passage of legislation on pay equity in 1990 (see Article 11);
- pornography, highlighting the nature and availability of pornography, and engaging in tactics ranging from picketing shops selling sexually explicit videos through to submissions to the Committee of Inquiry on Pornography in 1990 (see Article Five); and
- health issues such as dangerous contraceptives, and the early detection and treatment of cervical cancer, which led to the formation of the campaign group Fertility Action and to the 1988 inquiry into cervical cancer treatment at National Women's Hospital in 1988 (see Article 12).

The range of activities in which women's NGOs are involved in include:

- developing initiatives towards a bicultural understanding of New Zealand, a knowledge of the Treaty of Waitangi, and a better partnership between Maori and non-Maori women;
- the establishment of women's rights groups at most tertiary education institutions and the expansion of women's studies in universities and polytechnics;
- campaigning for peace and disarmament, along with participation in debates on environmental issues;
- extending self-help health and other personal security and well-being services, particularly to Maori women;
- providing informal education to women;
- promoting women in outdoor recreation through the new network Women Outdoors New Zealand;
- running programmes for women on managing and investing their money;
- organising childcare and mother support programmes, and campaigning on the quantity and quality of childcare resources (see Article 11); and
- organising exercise programmes of great variety and number.

ENFORCING PROVISIONS OF CONVENTION

(e) Describe whether the provisions of the Convention can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether the provisions of the Convention have to be implemented by way of internal laws or administrative regulations in order to be enforced by the authorities concerned.

There has been no change to New Zealand's system outlined in the first report.

Part Two
ARTICLE 2
ANTI-DISCRIMINATION MEASURES

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realisation of this principle;

(b) to adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

(f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; and

(g) to repeal all national penal provisions which constitute discrimination against women.

EQUALITY UNDER THE LAW

New Zealand accords to women equality with men before the law.

PROHIBITION OF DISCRIMINATION AGAINST WOMEN

The principle of freedom from discrimination on the basis of gender is embodied in the Bill of Rights Act 1990 and the Human Rights Commission Act 1977. Discrimination in employment on the basis of gender is also covered by the Employment Contracts Act 1991 as discussed in this report under Part One (c).

Bill of Rights

The Bill of Rights Act 1990 sets out basic rights, including freedom from discrimination on the grounds of sex and marital status. Also covered are the rights not to be deprived of life, not to be subjected to torture or cruel treatment or to medical or scientific experiment, to refuse medical treatment, to a free and secret ballot, freedom of conscience, religion, belief, expression, peaceful assembly, association and movement, and the right to freedom from arbitrary arrest and detention, and to a fair trial.

In terms of freedom from discrimination, the Act provides:

> 19 Freedom from Discrimination – (1) Everyone has the right to freedom from discrimination on the ground of colour, race, ethnic or national origins, sex, marital status, or religious or ethical belief.
>
> (2) Measures taken in good faith for the purpose of assisting or advancing persons or groups of persons disadvantaged because of colour, race, ethnic or national origins, sex, marital status, or religious or ethical belief do not constitute discrimination.

At the time of reporting the Act had not been tested in the Courts.

The Human Rights Commission Act 1977

The Human Rights Commission Act 1977 legislates against and provides remedies for discrimination against women, as discussed in this report under Part One (c). The Act does not override discriminatory provisions in other Acts unless expressly provided for. There are, however, very few Acts or regulations remaining which directly discriminate against women, and the Human Rights Commission can recommend to the Prime Minister that discriminatory legislation be amended or repealed. The Commission is not fully comprehensive in its powers to act against discrimination as required under Article Two of the Convention, and its limitations are discussed below.

Private clubs are outside the jurisdiction of the Act, and may refuse to admit female members, or admit them on less advantageous terms than men.

The Act exempts the offering or providing of superannuation or life insurance policies with different terms for each sex, so long as those terms are based on actuarial data on the life expectancy of each sex.

Women can be excluded from partnership in firms containing fewer than six partners, under this Act. The majority of partnerships in New Zealand consist of five or fewer partners.

The Human Rights Commission Act prohibits discrimination against all women. Political parties and churches are excluded from the anti-discrimination provision of the Act. The situation of women in politics is discussed under Article Seven. Women can become ministers in New Zealand's main Protestant Christian churches, the Anglican and Presbyterian churches.

Human Rights Commission Amendment Bill

The Human Rights Commission Amendment Bill was introduced into Parliament in 1990 but has not yet been passed. It seeks to extend the grounds under which discrimination is outlawed to include pregnancy, health status, sexual orientation, political opinion, trade union involvement, employment status, beneficiary status, family status, and identity of partner or relative.

THE EFFECTIVE PROTECTION OF WOMEN FROM DISCRIMINATION

In their day to day work, the Human Rights Commission and the Equal Opportunities Tribunal have interpreted provisions covering marital status and sex discrimination liberally. These bodies assume that discrimination should not occur on the grounds that one is single, married, separated, divorced, widowed or in a de facto relationship, or because of whom one is married to, but these interpretations are not expressly provided for in the Act and could be open to challenge. Similarly, sex discrimination has been interpreted by the Human Rights Commission to include discrimination against pregnant women and sexual harassment, although these are not explicitly cited as examples of discrimination in the Act. Where there are such 'grey' areas of interpretation, as in other areas, the Commission may issue policy statements which have no legal force; it does not have the power to issue binding guidelines.

The Human Rights Commission deals with individual cases and engages in general promotional activities. It does not engage in pro-active investigations of discriminatory practices.

Although the Commission is unable to compel individuals or organisations to cooperate with its programme, during the reporting period the Commission took a pro-active role in publicising human rights. Staff and Commissioners undertook a busy public speaking schedule, active networking, and the production of publicity leaflets, videos, information kits, on relevant topics such as sexual harassment and equal employment opportunities.

In each year of the reporting period, over 100 formal complaints of sex discrimination were lodged with the Human Rights Commission, and action was taken on behalf of complainants by Commission staff. The sex discrimination complaints fell into the categories tabled on the following page.

Sex discrimination complaints constitute over 70% of complaints to the Human Rights Commission (racial discrimination is dealt with separately by the Race Relations Conciliator). During the reporting period, however, the percentage of marital status complaints rose. Most of these concerned discrimination against de facto couples, but some involved single persons not being given the same treatment as married persons, or vice versa. The percentages for the reporting period are tabled in the second chart on page 13.

Complaints on Grounds of Sex Discrimination to the Human Rights Commission 1986-1991*

Category of Complaint	1986/87	1987/88	1988/89	1989/90	1990/91
Employment (Sections 15–18 of HRC Act)	88	80	80	124	68
Qualifying Bodies (Section 21 of HRC Act)	1	–	–	–	–
Vocational Training Bodies (Section 22 of HRC Act)	1	1	1	–	–
Public Access (Section 23 of HRC Act)	1	7	2	–	–
Goods and Services (Section 24 of HRC Act)	6	10	6	10	7
Land/Housing/Accommodation (Section 25 of HRC Act)	–	2	4	1	1
Education (Section 26 of HRC Act)	1	–	1	2	4
Advertising (Section 32 of HRC Act)	10	10	6	11	2
Other	–	1	1	2	3
Total	**108**	**111**	**101**	**150**	**85**

* Sex discrimination includes sexual harassment and pregnancy-related discrimination.

Percentage of Complaints in Each Category to the Human Rights Commission 1986–89

Category of Complaint	1986/87	1987/88	1988/89	1989/90	1990/91
Sex	84.0	70.0	72.0	80.6	68.0
Marital Status	11.0	19.0	22.0	18.2	17.6
Religious/Ethical Belief	5.0	4.0	4.5	1 case	8.0
Other	–	7.0	1.5	1 case	6.4

ARTICLE 3
APPROPRIATE MEASURES

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

WOMEN'S DEVELOPMENT AND ADVANCEMENT

In the past 50 years, New Zealand women have experienced significant changes in their economic, social and political lives. The most dramatic change has been their increased participation in paid employment and the concomitant reliance of the market economy upon their paid as well as their unpaid labour. Other major changes have included women's changing fertility patterns and the reduction in family size.

Many changes have followed from or reinforced women's increased participation in the labour force. They include changes in legislation, in formal education, in health status and policy, and in political activity. Most of these changes have been pursued by an active women's movement over the past 20 years.

Progress towards eliminating legal discrimination against women has been marked since the 1970s and there have been over 20 legislative changes to Acts since 1971 which include provisions aimed at giving women the same rights in law that men enjoy. Progress has been made towards:

- the same rights to social security (Domestic Proceedings Act 1971, Social Security Amendment Act 1973, 1977 and 1979, Accident Compensation Act 1973);
- equal employment opportunities and equal pay (Equal Pay Act 1972, Maternity Leave and Employment Protection Act 1980, Factories and Commercial Premises Amendment Act 1981, Coal Mines Amendment Act 1983, Minimum Wage Act 1983, Parental Leave and Employment Protection Act 1987, Employment Contracts Act 1991);
- equal rights in marriage and parenthood (Matrimonial Property Act 1976, Domicile Act 1976, Family Courts Act 1980, Guardianship Amendment Act 1980, Family Proceedings Act 1980, Domestic Protection Act 1982, Estate and Gift Duties Act 1983); and
- equal human rights (Human Rights Commission Act 1977, Citizenship Act 1977, Evidence Amendment Act 1980, Crimes Amendment Act 1985).

WOMEN WITH DISABILITIES

While discrimination against people with disabilities is not currently legislated against in New Zealand's human rights law it is currently under consideration (see preceding section on Human Rights Amendment Bill).

Women with disabilities make up 40% of the population with disabilities in New Zealand, although because of women's higher longevity the incidence increases with age. Women of 80 years have a 60% chance of becoming disabled. Women are more likely to be seriously disabled than men, and are less likely than men to be injured by accident than by illness or disease. Impaired mobility, often arthritis, is the most common disability to affect women, while for men it is sensory disability.

Women with disabilities have an estimated participation[1] rate of 65.3% in the workforce, higher than that of the general female population. In the workforce they are generally found in a narrow range of traditional segregated occupations. Although women with disabilities aspire increasingly to open participation they are estimated to comprise about 40% of the 7,000 employed in sheltered workshops. A proactive programme called Workbridge is assisting women and men with disabilities to make this transition.

Under the Disabled Persons Community Welfare

[1] In New Zealand the definition of labour-force participation includes those people in paid employment, whether full- or part-time, and those seeking paid employment.

Act 1975, women with disabilities may receive from the state assistance with travel and accommodation for treatment, the cost of equipment to maintain independence and generate employment, suspensory loans for housing alterations and for the purchase of a vehicle, and suspensory loans to enable them to set up in business. Some of these benefits, for example suspensory loans for cars, are available only to those in paid or voluntary employment. This legislation is currently under review in line with the Government's programme of targeting social assistance.

ARTICLE 4
TEMPORARY MEASURES (AFFIRMATIVE ACTION)

(1) Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

(2) Adoption by the States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

EQUAL EMPLOYMENT OPPORTUNITIES

In both the public and private sectors there is an emphasis on the principle of equal employment opportunity which aims to eliminate systemic discrimination by changing the structure and practices of organisations. This is discussed in detail under Article 11 of this report.

TEMPORARY MEASURES

During the reporting period a number of education and training programmes aimed at increasing women's participation in non-traditional occupations and forms of recreation and better performance in all areas, were approved by the Human Rights Commission. Such programmes included women-only courses in carpentry, joinery, electronics, life skills, finance, business, science, engineering and assertiveness. Courses in women's studies were also approved. Preferential recruitment was allowed for women prison officers. Separate outdoor experience courses for women and men were approved, and a separate course for Men Working for Change was permitted.

The Bill of Rights Act allows for the development of special targeted programmes.

During the reporting period the Vocational Training Council undertook programmes aimed at encouraging women to engage in non-traditional occupations and published *A woman's guide to non-traditional occupations* and *Sex equity training package*.

1993

A significant measure taken to advance the situation of women was the establishment by the

Government in 1991 of the 1993 Suffrage Centennial Year Trust: Whakatu Wahine.

Universal suffrage was gained in New Zealand in 1893, and the Government has designated 1993 as Suffrage Centennial Year, establishing a $5 million Trust Fund to contribute towards projects which will:

- enhance the status and advancement of women;
- commemorate the centenary of women's suffrage in New Zealand; and
- publicise the positive contributions women have made to New Zealand's political, economic, social and cultural life.

The Trust's objectives are to stimulate activities which close the gaps between women and men, and Maori and non-Maori women, and to focus on projects which will help women achieve greater confidence, skills, opportunities and recognition.

In addition to community initiatives funded by the Trust and private sponsorship, all government departments will fund and organise activities and projects aimed at improving the situation of women.

A unit within the Ministry of Women's Affairs is servicing the Trust and coordinating centennial activities.

MATERNITY PROTECTION

Measures that protect maternity while women are in employment are not considered discriminatory under the Human Rights Commission Act. Protection for parents is provided by the Parental Leave and Employment Protection Act 1987 (discussed in more detail under Article 11).

Special provisions are made for the ante-natal care of pregnant women. These are discussed under Article 12.

WAHINE PAKARI

1986 census data showed that only 3,000 Maori women (about 4% of Maori women) were involved in business, through self-employment, employing others in their business, or working unpaid in a family business. The promotion of Maori women into self-employment was of major concern to Te Ohu Whakatupu, the Maori women's policy unit of the Ministry of Women's Affairs, during the reporting period. The unit undertook a survey of Maori businesswomen which identified finance and training in small business skills as key areas where Maori women indicated a requirement for development assistance. Initiatives to further Maori businesswomen's access to venture finance are discussed under Article 13.

The training needs of Maori women in self-employment are being addressed by the Wahine Pakari programme established by Te Ohu Whakatupu. The programme is based on the concept of cascade training, whereby a core group of trainer-motivators attend a course in self-employment training, and return to their communities with continuing support to train other Maori women in the skills they have acquired. A self-sustaining network of trainers is thus established.

By February 1992, 15 trainer-motivators had passed on Wahine Pakari skills to 333 Maori women, with a further 70 women expected to be trained by the end of March 1992. So far, women trained through this programme have set about establishing 22 businesses and 34 business plans have been developed.

The current pace of training undertaken by the Wahine Pakari trainer-motivators and the outcomes flowing from this training, are far beyond the original expectations of Te Ohu Whakatupu. It is expected that this positive action programme will provide a significant means whereby Maori women can move towards self-reliance through the development of entrepreneurial skills.

ARTICLE 5
SEX ROLES AND STEREOTYPING

States Parties shall take all appropriate measures:

(a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women; and

(b) to ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

FAMILY LIFE

The nature of the 'typical' New Zealand family is undergoing transformation. Married couples with dependent children accounted for just over half (53%) of all families in 1986, down from 57% in 1981. The number of single parent families increased by 20,000 or 21% between 1981 and 1986. One in every five families with children is now headed by a sole parent, the majority of whom are women.

In many families, boys and girls are expected to do different tasks in the home. Mothers are still the primary caregivers, both of children and other dependants. Evidence from the pilot time-use survey (discussed in Article 11) indicated that women take the major responsibility for childcare and domestic work. Fathers spend much less time on childcare than women, and take most responsibility for outdoor tasks.

STEREOTYPING

Throughout the reporting period the news media continued to reflect the contradictions in the lives of New Zealand women. A television advertising campaign was aimed at reaching women suffering from violence but at the same time there was a detectable rise in violent programmes on television.

During this period more women journalists have been working in what were previously considered male interest areas, e.g. agriculture, business and sports reporting. A number of women journalists in these areas have received media awards.

Non-sexist language in broadcasting and publishing has become widespread. Radio New Zealand issued guidelines for non-sexist language for its broadcasters and non-sexist language guidelines were circulated in government departments and private publishing houses.

Some advertisers began to use non sex-stereotyped female characters in their advertisements, but stereotyping in advertising continued and the Mediawomen group was very active during the 1980s in voicing women's concerns in this area. The Advertising Standards Authority published a code on the portrayal of women to be used by advertisers and provided the facility for complaints about sexist advertisements. During the reporting period there were protests from women and women's organisations about a number of advertisements which they considered were pornographic or otherwise offensive and in most cases the advertisement was withdrawn. There is still concern among women about the depiction of women in television advertisements and other advertising media. Women's appearance and domestic activities are still over-emphasised in advertisements. Few women are shown positively in positions of power and Maori women overall feature very rarely in advertisements.

Efforts to reduce stereotyping in education included moving towards non-sexist/gender neutral

language in teaching materials, producing counter-sexist teaching resources and running counter-sexist training courses. During the reporting period it became Ministry of Education policy to use gender neutral language in teaching materials. This is discussed further under Article 10.

FAMILY EDUCATION

Family education is part of the health syllabus of primary and secondary schools, which includes family relationships and care of oneself and others. The detail in which schools consider the specifics of childrearing varies, with some schools arranging for their students to care for real babies and small children with cooperative parents in the community, and others (especially boys' schools) providing little practical experience. This area is discussed further under Article 10.

Pre- and post-natal education is provided by organisations which come into contact with expectant parents. These include community midwives, the Plunket Society, New Mothers' Support Groups, the Family Planning Association, the Parents Centre, various church, women's and community education organisations, and 'crisis lines' which offer support to parents who are experiencing immediate difficulties. Some of these organisations receive all or part funding from the state.

A pilot Parents as First Teachers (PAFT) project was launched in late 1991, based on the programme developed in the state of Missouri, USA, to help parents maximise their child's development during the first three years of life. The programme has four components:

- timely information about what to look for and expect as the child develops, plus guidance in fostering the child's language, cognitive, social and motor development skills;
- periodic screening of the child's educational, hearing, visual and motor development to detect problems or disabilities;
- monthly home visits by trained parent educators; and
- monthly group meetings for parents to share experiences and discuss topics appropriate to their children's stage of development.

The Royal New Zealand Plunket Society is running the PAFT programme under contract to the Minister of Education for four years, with children being involved in it until they are three years old. It is to be instituted among 125 first-born children, with an additional 125 being used as a control group. Plunket nurses will be the parent educators.

The Maori Women's Welfare League has plans for the establishment of parenting skills programmes in 1992 for Maori parents, specifically aimed at meeting the needs of Maori families.

Another scheme, the parent education and support scheme has been developed by the Ministry of Education to assist parents to build community-based parent support and education networks, to develop self-esteem and self-confidence in parents, to provide opportunities for them to participate in the early education of their children, and to encourage the development of mutual support and growth among parents.

The overall aim of both schemes is to reach parents not currently linked to any organisation.

PORNOGRAPHY LAW REFORM

There is widespread belief in New Zealand that pornography is harmful to women and is an integral feature of social and economic behaviours which perpetuate violence against women.

A Government-appointed Committee of Inquiry into Pornography reported in 1988. Draft legislation has been drawn up for introduction to Parliament in 1992. The proposed legislation will combine the three existing censorship bodies into an Office of Film and Literature Classification, so that greater consistency across the different types of material can be achieved. The legislation will also give:

- clearer descriptions of types of material which will be prohibited or restricted;
- greater accessibility by the public to the censorship process;
- stronger penalties for infringement; and
- effective restrictions on the display of publications and promotional material in retail outlets.

In some circumstances possession of banned material will be an offence.

This is a positive step toward making it clear that violence and sexual violence against women and children will not be condoned.

ARTICLE 6
TRAFFIC AND PROSTITUTION OF WOMEN

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

PREVAILING SOCIAL ATTITUDE

The existence of prostitution is acknowledged in New Zealand society. Some regard prostitution as an immoral and undesirable activity which should be controlled through criminal law. Others believe the state should not interfere with sexual activities unless there are compelling reasons to do so, such as coercion and other criminal activity.

LEGAL SITUATION

The legal situation with regard to both traffic in women and exploitation of prostitution of women in New Zealand remains unchanged since the previous report. Slavery of any kind is illegal, and it is an offence punishable by up to five years' imprisonment to live off the earnings of a prostitute, to run a brothel, or to procure sexual intercourse for reward (soliciting). Prostitution per se is not illegal.

It is estimated that 7,000–8,000 women, mainly aged between 18 and 30, work full or part-time as prostitutes (sex workers). They are contacted by clients mainly on the streets, through escort agencies, or through licensed massage parlours. Since this is the most visible form of prostitution it is the most heavily policed, but controlling prostitution is not a priority for the police and convictions for soliciting are low, numbering only 125 in 1990.

Licensing

Massage parlours must be licensed, proprietors are required to keep a register of the true names of employees, and women with soliciting or drug convictions may not be employed in them. Clients pay an entry fee which covers the massage, and the masseuses arrange other services for a separate fee independent from the management of the parlour. The requirement for massage parlours to have a licence has lead to an increase in other outlets for prostitution, such as escort agencies and 'rap parlours'.

Escort agencies do not require a license and advertise freely in daily papers. Escorts collect a fee for the agency from their clients and then negotiate a separate price for their own services.

New Zealand Prostitutes Collective

A professional association for sex workers, the New Zealand Prostitutes Collective (NZPC), was established in 1987. The NZPC has been receiving government funding since 1988 for its educational and advocacy work, which includes a regular magazine and educational material on Aids. In the 1990/91 year, government funding was $105,000. Two part-time workers are employed and other workers are voluntary. A service is maintained in the main centres and provincial cities.

The NZPC lobbies on behalf of sex workers. It is in favour of maintaining the legal status of prostitutes, but objects to anomalies in the law which constitute discrimination. It is an offence, for example, for a prostitute to solicit a client, but not for a client to solicit a prostitute. The strict definition of a brothel as premises where prostitutes work on their own operates against self-employment from home for prostitutes. The massage parlour situation is unsatisfactory as efforts made to maintain the fiction that they are not fronts for sex (such as keeping registers and prohibiting employees with convictions) make it harder to ensure that women are not exploited or forced to turn to more dangerous forms of prostitution such as streetwalking.

In the last few years there has been an increase in the number of foreign women working as sex workers in New Zealand, particularly from South-East Asia (mainly Thailand and the Philippines) who may enter on tourist visas and find illegal work as 'hostesses' and 'exotic dancers'. Successful prosecutions have been brought against their 'sponsors'.

OBSTACLES TO THE ELIMINATION OF THE EXPLOITATION OF PROSTITUTION

There is no evidence that the laws controlling prostitution prevent women from becoming sex workers. The application of the law is largely directed at keeping prostitution discreet. This has led to some benefits for New Zealand workers in that it has largely prevented exploitation by pimps and large business concerns, and has ensured an unusually high degree of autonomy for sex workers.

The current law is not without problems. It is discriminatory in that it criminalises prostitutes but not their clients. Prohibitions against soliciting and controls on who may work in the relatively protected environment of a massage parlour, although seldom enforced, create a climate of insecurity and help to stigmatise sex workers.

The level of public debate on these issues is increasing. There is concern among health authorities about the risk to sex workers of the spread of the HIV virus under the current regime. While the sex industry in New Zealand is virtually free of HIV (primarily because prostitutes are well educated on modes of transmission and prevention), it is nonetheless difficult to educate and give regular health checks to prostitutes in a sex industry which is underground. For this reason, the possibility of decriminalising soliciting by sex workers was raised as an option towards the end of the reporting period.

ARTICLE 7
POLITICAL AND PUBLIC LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, and, in particular, shall ensure to women, on equal terms with men, the right:

(a) to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and

(c) to participate in non-governmental organisations and associations concerned with the public and political life of the country.

RIGHT TO VOTE

New Zealand women won the right to vote in general elections in 1893. Every person 18 years and over must be on an electoral roll, even if they do not wish to vote. Women and men vote in equal percentages.

WOMEN AS POLITICAL CANDIDATES

Women in New Zealand won the right to stand as candidates in general elections in 1919. The first woman candidate stood in 1923 and the first woman Member of Parliament was elected in 1933. Since then the number of women in Parliament has increased.

In the most recent general election on 27 October 1990 women comprised 22.7% of candidates (154 out of 677) and won 16.5% of the seats. This represented a small increase in the percentage of women Members of Parliament (MPs) from 14.4% (14 MPs) elected in 1987 to 16.5% (16 MPs) elected in 1990. Women are eligible to be candidates on the same terms as men. However, far fewer women than men actually stand for Parliament, and some of the reasons for this are outlined at the end of this section.

HIGH OFFICES HELD BY WOMEN

In 1990, Dame Catherine Tizard was appointed as New Zealand's first woman Governor-General. The year 1990 also saw the election of New Zealand's first woman bishop, Penny Jamieson, as the Anglican Bishop of Dunedin.

Te Arikinui Dame Te Atairangi Kaahu is the Maori Queen, a highly respected rangatira (leader) amongst the Maori people, and equivalent to the monarch for many iwi (tribes).

In the Cabinet of 20, two women are currently Cabinet Ministers. One of these is New Zealand's first woman Minister of Finance and the other carries the Social Welfare and Women's Affairs portfolios. There is also a woman Minister outside Cabinet who is Minister of Consumer Affairs, Associate Minister of Health and Associate Minister of Women's Affairs. This is a decrease in the executive positions occupied by women since 1990 when there were five women Cabinet Ministers, including New Zealand's first woman Deputy Prime Minister.

The women Members of Parliament in the National Party caucus increased from three to eight in the 1990 election; in the Labour caucus they decreased from 11 to eight. This was mainly due to the Labour Party's landslide loss to the National

Party in the 1990 election. During the reporting period women served terms as presidents of the main political parties. The National Party had one woman president, and the Labour Party had two women presidents.

The New Zealand electoral system includes representatives of general electorates and the four Maori electorates. The geographically largest Maori electorate has been served by a woman Member of Parliament for the last 20 years.

A number of new political parties were formed during the reporting period. The New Labour Party fielded a high percentage of female candidates in the 1990 general election, none of whom was elected. The Green Party was founded with a commitment to 50/50 gender balance in candidates and officers. Both of these parties have joined with other minority parties in a new 'third' party called the Alliance. Political parties are not included in the jurisdiction of the Human Rights Commission Act.

At local government level women have made significant gains, comprising 35% of the membership of city councils by 1989 and 21% of the membership of district councils. A total of 12.5% of New Zealand's mayors are women, and three of New Zealand's largest cities (Auckland, Hamilton, Christchurch) elected women mayors in 1989. Women are more successful than men in winning election to local government. In 1989 women comprised 28% of all candidates for city councils but 35% of those elected, and 14% of candidates for regional councils but 21% of those elected. The city council of the capital city, Wellington, recently appointed its first woman chief executive officer (CEO), the first local government CEO in New Zealand.

On area health boards (established 1989 and soon to be replaced by regional health authorities) women almost reached parity, comprising 45% of candidates and 49% of elected members. There is one woman chief executive of an area health board. Women are still under-represented on school boards of trustees: 31% for boys' secondary schools, 49% for girls' secondary schools and 42% for primary schools.

Women are approaching parity in local government and making gains in central government. In governmental and quasi-governmental organisations at the beginning of the reporting period women constituted 10% of the membership of statutory boards. There has been an increase in the number of women district court judges to 12 (out of 100 judges). This represents approximately 7% of the judiciary. The Chief District Court Judge is a woman. Twenty percent of Justices of the Peace are women. Four of the five Human Rights Commissioners are women, including the Chief Human Rights Commissioner.

Six women serve on the boards of directors of New Zealand's top 20 companies, and altogether women comprise only 3% of all directors in these companies.

Within trade unions, female intensive unions (e.g. teachers, bank officers, clerical workers) appointed women's officers during the 1980s, and women secretaries and presidents of these unions were elected or appointed. The President of the largest public service union (the Public Service Association) is a woman, as are the Secretary of the Council of Trade Unions (the federation of private and public sector unions) and the Secretaries of the primary teachers' and nurses' unions.

The current President of the Employers Federation is a woman, as are the President of the New Zealand Law Society and the Chair of the New Zealand Medical Council.

WOMEN IN THE PUBLIC SECTOR

Since the introduction of the State Sector Act 1988, data on the position of women across the whole public service has not been collated. In 1990, an examination of departmental statistics indicated that women were still over-represented in lower salary bands. There was a disproportionately small number of women in the Senior Executive Service, 29 out of 208 (14%), in September 1990. Only four out of 39 chief executives were women but by February 1992 that number had increased to five. They are the Chief Executives of the Ministries of Education, Transport, Youth Affairs, Women's Affairs, and the Education Review Office. Women hold the positions of Secretary of Cabinet and Chief Executive of the Ministry of Consumer Affairs, but these offices are under the control of larger departments.

POSITIVE ACTION

Under the State Sector Act, chief executives are accountable for reporting to Parliament on equal employment opportunities (EEO) in their departments through the departmental annual reports. Reviewing the performance of chief executives is undertaken by the State Services Commission as is the monitoring of EEO plans. Government departments have produced EEO plans, and most have employed EEO officers and set up EEO networks. Career development courses for senior women have been encouraged. Training sessions have been run for departments on recruitment and selection. Most departments have been developing their monitoring skills to better

assess EEO progress. Most senior managers have the fulfilment of EEO obligations as part of their contracts.

Most political parties have recognised the need to increase the numbers of women in political office, and have conducted training workshops to encourage women to stand as candidates in general and local elections. Non-governmental organisations such as the Women's Electoral Lobby, YWCA, National Council of Women and Affirmative Action have sponsored workshops for women candidates and encourage their members to stand for office.

In 1979, the Women's Appointment File (renamed the Nominations Service in March 1992) was established by a group of women's organisations to increase the number of women on statutory boards and committees. It is currently administered by the Ministry of Women's Affairs. This comprises a database of names and curricula vitae of women available for nomination to such positions. It provides to Ministers and government departments, on request, the names of women suitable for appointment to statutory bodies and committees. Since the File was established it has had some success in increasing the numbers of women on statutory boards and committees. With approximately 1,220 women on the database, it is able to demonstrate that suitably qualified and experienced women are available.

The current Minister of Women's Affairs is a member of the Cabinet Appointments and Honours Committee which makes most statutory appointments.

OBSTACLES TO WOMEN'S FULL PARTICIPATION

Obstacles to women's full participation in political life often cited include:

- some candidate selection processes;
- a lack of recognition of women's skills and experience as being 'suitable' for a political career;
- the pressures experienced by women who combine family responsibilities with the demands of a political career; and
- an under-estimation by women of their own abilities.

NON GOVERNMENTAL ORGANISATIONS

New Zealand women are keen participants in non-governmental women's organisations. This has already been covered in this report in Part One (d).

Participation in Religion

Sections of women within the Christian Churches have moved in two directions in the period under review. Within the major denominations women have taken a greater part in leading worship and in the church structures, both as lay members, and with an increasing number of ordained women. A number take part in unstructured expressions of spirituality outside their religious traditions. In Pentecostal churches and in some of the more traditional sectors of the major denominations there has been greater emphasis on, and support for, the traditional roles of women, often deliberately confronting women seeking to change those roles. Women of other religions, particularly Jewish, Muslim, and Baha'i are active within their own structures and in social action.

ARTICLE 8
INTERNATIONAL REPRESENTATION AND PARTICIPATION

States Parties shall take all appropriate measures to ensure women, on equal terms with men and without any discrimination, the opportunity to represent their governments at the international level and to participate in the work of international organisations.

WOMEN IN THE DIPLOMATIC SERVICE

New Zealand women have the same rights to represent their country and participate in international organisations as men. The actual participation of women in the diplomatic service at the end of the reporting period is given below. There are two staffing groups within the New Zealand Ministry of External Relations and Trade – External Relations (ER) and Corporate Affairs (CA). The ER group includes those who work on policy, both at home and abroad, while the CA group includes the administrative and clerical staff, most of whom are based in Wellington. There are five levels within each group – Level 1 is the lowest salary level and Level 5 the highest.

Female Representation Among Ministry of External Relations and Trade Staff 1991

Level	Number of Women	% Women
ER Level 5	4	8.9
ER Level 4	10	12.8
ER Level 3	27	50.0
ER Level 2	17	39.5
CA Level 5	0 (out of total of one)	0
CA Level 4	3	17.6
CA Level 3	67	50.0
CA Level 2	97	89.0
CA Level 1	48	80.0

Women do hold some important overseas posts; at the beginning of 1992 these included Heads of Mission in Canada, Vanuatu and India and deputy positions at the United Nations and in Australia and the Solomon Islands.

The Ministry of External Relations and Trade has 20 women staff who identify as Maori; three are ER policy officers and 17 are with Corporate Affairs. The Ministry does not collect statistics on the gender of its representatives and that of NGOs participating in delegations to other countries, international organisations or international meetings.

The Ministry's Women's Network recently established a working party to identify the barriers to women's promotion and advancement past Level 3, and career development courses have been held for junior women.

INTERNATIONAL ORGANISATIONS

During the reporting period, Dame Silvia Cartwright was elected to the Committee on the Elimination of Discrimination Against Women. Penny Fenwick has served on the board of the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and Margaret Shields, former Minister of Women's Affairs, became Director of INSTRAW in 1991.

Dame Miriam Dell served as Honorary President of the International Council of Women between 1986 and 1988.

ARTICLE 9
NATIONALITY

(1) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

(2) States Parties shall grant women equal rights with men with respect to the nationality of their children.

RIGHTS TO CITIZENSHIP

The situation with regard to citizenship and nationality for New Zealand women has not changed since the first report. The provisions of the Citizenship Act 1977 give women the same rights as men with regard to their nationality and the nationality of their children.

Marriage

Marriage to a non-citizen or a change of nationality by the husband does not affect a woman's nationality. With regard to de facto marriages and homosexual/lesbian relationships, immigration authorities will admit partners who do not meet occupational criteria for residence if a long-standing relationship can be proven.

Because marriage to a New Zealander confers automatic right of residence on his/her alien spouse, a number of 'marriages of convenience' are contracted in New Zealand each year.

Passports

Women in New Zealand do not need their husband's permission to obtain a passport or travel. Until recently, minor children could travel on either parent's passport. From February 1992 minor children were required to hold their own passports.

ARTICLE 10
EDUCATION

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) the same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) the elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging co-education and other types of education which will help achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) the same opportunities to benefit from scholarships and other study grants;

(e) the same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) the reduction of female student drop-out rates and the organisation of programmes for girls and women who have left school prematurely;

(g) the same opportunities to participate actively in sports and physical education; and

(h) access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.

GENERAL BACKGROUND

Education in New Zealand has been state funded, secular and compulsory for both sexes since 1877. The school leaving age, originally 12 years, is currently 15 years. Legislation passed in 1992 raised the school leaving age to 16 years, effective from 1993.

All New Zealand citizens are entitled to free primary and secondary education between the ages of six and 19. Primary education may begin at age five, must begin at six, and continues until age 12 or 13 when secondary schooling begins. By age 15, when schooling ceases to be compulsory, most students are in their third or fourth year of secondary schooling. During this reporting period the trend continued for an increasing number of adults to return to secondary school to complete interrupted secondary education. Tertiary education may be continued until any age.

Over 95% of primary education in New Zealand is directly provided by or heavily funded by the state, and is co-educational. At secondary level just under 95% of education is state provided or funded, but there is more single-sex secondary education provided by both state and private schools than in the primary education sector. This is the result of the tradition of establishing separate girls' and boys' state secondary schools in urban areas (rural state education is all co-educational). However, in the last 30 years the trend has been entirely co-educational, with the last state single-sex secondary schools being established in the 1960s.

For the 1990/91 financial year, total expenditure on tertiary education (including all universities, polytechnics and colleges of education) was $1.323 billion. This figure includes all operating and capital works funding, student allowances, polytechnic and university Maori and Pacific Islands Bursaries and funding to the Vice Chancellors' Committee.

Tertiary Education expenditure in relation to other areas of Government expenditure and GDP	Amount ($)	Percentage
Total Tertiary Expenditure	1,323,604,622	
Vote: Education	4,406,000,000	30.0
Social Service Spending	18,353,200,000	7.2
Total Government Expenditure	27,568,000,000	4.8
Gross Domestic Product (Provisional)	73,747,000,000	1.8

A range of initiatives to promote gender equity in education have been undertaken during the reporting period. In 1988, the former Women's Advisory Committee on Education published *A National Policy on the Education of Girls and Women in New Zealand*. This was utilised during the developmental process for widespread reforms of administration of education during the late 1980s.

Reform of Education Administration

A major reform of education administration was begun in 1987. More effective delivery of education services was sought through the decentralisation of administration and devolution of management responsibilities to local communities. Within broad policy guidelines set by Government, individual education institutions at all levels from early childhood to tertiary became self-managing.

Schools were required by legislation to contract with the state, through the medium of a charter, to ensure that both national imperatives and local goals were met through the school's programme. A commitment to equal educational opportunities and, specifically, to gender equity was among the mandatory requirements of the charter. By October 1989, this system was in place for schools and in 1990 all tertiary institutions were brought to a common pattern of governance.

In 1989, the Department of Education was replaced by a new Ministry of Education with responsibility for the provision of policy advice to the Minister, and certain property, financial and operational functions. A Girls and Women Section was established within the Policy Division of the Ministry to ensure that all policy advice tendered to the Minister of Education is responsive to the learning needs of girls and women. Thus the need for policy overview and coherence in the area of gender equity in education has been given structural recognition within the machinery of government.

The range of new Crown education agencies includes the Education Review Office, charged with reviewing the achievement of stated charter goals in all primary and secondary schools and in early childhood centres. Legislation also empowers the Office to report on the equal employment opportunities and equal educational opportunities policies of tertiary institutions.

In December 1991, the Education Amendment Act (No. 4) amended the provisions of school charters. Government now seeks to address equity issues not by compulsion but through National Education Goals and National Curriculum Statements currently under development.

This new system of education administration is still in its infancy and its full impact on the education of girls and women has yet to be monitored and evaluated comprehensively.

The representation of women on school boards of trustees and councils of tertiary institutions is significant but uneven, and is subject to ongoing monitoring. Early research into the educational perspectives of school trustees indicated almost unanimous support for the concept of equal educational opportunities for girls and women, but less certainty among trustees regarding the process of implementing gender equity in schools.

Early Childhood Education

New Zealand women have campaigned for many years to have early childhood services considered as an integral and vital part of the education system. Although this issue is discussed in full under Article 11, it should be noted that childcare and early childhood education in New Zealand are in the education sector, with administrative responsibility having moved from the Department of Social Welfare to the Department of Education in 1986. This signalled the integration of the concept of childcare and education into that of early childhood services. Since then, and as part of the education reforms in the late 1980s, the Early Childhood Development Unit was established in 1989. This is the first Crown Agency in New Zealand to be devoted to the provision of support and advisory services to early childhood education. The Ministry of Education provides policy advice in this area.

ACCESS TO EDUCATION

At all levels of the New Zealand education system, males and females have access to the same curricula and examinations, teaching staff with the same

qualifications, career and vocational guidance and training. Gender difference is apparent in a number of aspects of education, such as subject choice. Marked differences continue to exist between Maori and non-Maori students and between male and female Maori students, despite principles of equal access.

Government policy development seeks to move beyond the position of equal access and equal opportunity to that of providing for equitable outcomes. Attention is now focused on the key issues of developing a gender-inclusive curriculum, countering sexism in the learning environment, and improving the educational outcomes of Maori girls and women.

Career Guidance and Vocational Training

The early part of the reporting period saw a series of initiatives undertaken by the Department of Labour to promote non-traditional career options for women, which served to raise awareness within the education community. However, education and training participation continues to mirror labour market segmentation (see Article 11).

The new Industry Skills Training Strategy involves a major reform of the apprenticeship system. The aim of the strategy is to develop systematic training across all industries and occupations and to ensure that all groups of workers, especially those previously disadvantaged, have access to industry-based training. Despite making up 43% of the New Zealand workforce, women hold only 12% of apprenticeships, the vast majority of them in the traditional field of hairdressing. At present, a high proportion of women employees work in service industries, particularly in community, social and personal services, wholesale and retail trades and banking, and systematic training in these occupations is poorly developed. The Industry Skills Training Strategy seeks to address such issues by increasing skill levels and portability of qualifications thus improving women's career development opportunities.

Access is a targeted labour market training programme, typically providing full-time courses of around 12 weeks duration, designed to provide training access to individuals and groups who are at a disadvantage in the labour market, e.g. women sole parent beneficiaries, women for whom English is a second language and Maori women. The proportion of female to male trainees has been steady at around 50% during the five years that Access has been in operation.

From January 1993, Access will be replaced by the Training Opportunities Programme. This is designed to provide access to National Certificate units of learning for early school-leavers and long-term unemployed people with low qualifications.

The Training Opportunities Programme will offer a wide variety of training approaches designed to suit the needs of trainees in the target groups. Trainee entry will be monitored to assess the effectiveness of the targeting arrangements in ensuring that the most disadvantaged are well represented among the trainee population.

Youth Traineeships offer structured training in the workplace to young people aged between 15 and 21. Youth Traineeships are designed to expand the number of systematic training places in industry particularly in those areas of industry which have not had systematic training in the past, and to increase the participation of groups, such as women, who are traditionally under-represented in this type of training. The traineeships are currently being piloted; studies of the pilots show that women are not well represented. Efforts are being made to increase the proportion of women in the scheme.

In 1990 the Career Development and Transition Education Service, (Quest Rapuara), took over the responsibility for the provision of career guidance and information in New Zealand. This agency has worked to offer gender inclusive guidance services. All occupational information incorporates appropriate female role models. Publications promoting awareness of gender issues in education and training have been developed and guidance and counselling services have been made equally accessible to males and females.

Tertiary Education

By 1991, women made up 56% of full-time and 43% of part-time polytechnic students, while at university women accounted for nearly 52% of all students enrolled. Almost 60% of extramural students were women in 1991.

Although women have enrolled in tertiary study in increasing numbers in recent years, gender based enrolment differences persist, with women polytechnic students concentrated in commercial and business subjects, including secretarial courses (36.5% of all women polytechnic students were enrolled in these areas in 1991), and medical and health, which includes nursing (19.2% of women students).

The table on the following page shows the percentage of women in selected fields of university study between 1981 and 1991.

Significant progress has been made in some subject areas during the last decade, notably law and commerce. In addition, in 1991, women accounted for 58% of students enrolled in veterinary science and 49% of those enrolled in medicine.

Women as a Percentage of All Students for University Bachelors Degrees 1981–1992

Degree	1981 %	1991 %	% Increase
Arts	65	64	(1)
Commerce	26	38	12
Engineering	3	11	8
Science	32	39	7
Law	36	53	17
Agriculture/ Horticulture/Forestry	25	31	6
Social Science	62	62	0
Education	81	82	1

In post-graduate studies, women made up 45% of all graduate students in 1991. The proportion of women studying for masters degrees in 1991 in education and social science was 66%, arts and humanities 62%, science and technology 35%, commerce and business studies 24%, and engineering 8%.

Maori women are less likely to study at university than non-Maori women. The total number of Maori university students increased from 5.5% of all students in 1990 to 6.9% in 1991. Maori women comprised 4% of the total number of internal students at New Zealand universities, 7% of all female students, and 56% of all Maori university students. Maori women are generally more likely than non-Maori women to enrol at university part-time – 39% of Maori women against 25% of the total. They are less likely to enrol extramurally – 17% of Maori women versus 21% of all women enrolled. Maori women are three times more likely to study in undergraduate diploma and certificate courses, and are under-represented in longer degree and post-graduate courses. A total of 75% of women university students are enrolled in a bachelors degree compared with 68% of Maori women.

Of the Maori women who continued their studies to tertiary level in 1991 at universities, polytechnics and colleges of education, 49.5% were enrolled at universities, 41.7% at polytechnics and 8.9% at colleges of education.

The table at the bottom of the page shows the gross flows into the tertiary sector.

During the reporting period, there has been a variety of initiatives within tertiary institutions to address the educational needs of women. Most universities adopted strategies to attract secondary school girls into science and engineering activities. The systematic introduction of affirmative action selection criteria for limited entry courses in science, engineering and commerce has helped to increase the level of female enrolments in these subjects.

All tertiary institutions now have equal employment opportunity officers and many have equal educational opportunity officers and some form of women's advisory committee. A contestable equity fund became available to all tertiary institutions in 1990 to allow for special initiatives and seeding projects to address areas of disadvantage to certain groups of learners. The fund is currently under review as equity initiatives are now encouraged within the wider context of equal opportunities policy on an individual institution basis.

CURRICULUM

The key issue for female students during the years of compulsory schooling is not that of access or achievement but of retention, particularly in the case of Maori and Pacific Islands girls.

During the reporting period, there has been significant reviews of school curricula. One of the principles on which these developments are based is that the curriculum shall be non-sexist. Since 1991, draft gender-inclusive curriculum statements in mathematics and science have been prepared and preliminary work has begun on the English and Maori curricula. Resources for teacher development are committed to enhance the effective implementation of the new curricula.

Percent of Maori and Non-Maori Students who Entered Directly from School into Tertiary Education between 1990 and 1991

	Maori			Non-Maori		
	Male	Female	Total	Male	Female	Total
University	8.0	8.9	8.5	22.5	23.9	23.2
Polytechnic	8.6	9.6	9.1	19.3	15.1	17.2
College of Education	0.7	1.2	1.0	1.3	6.3	3.8
Total Tertiary	17.3	19.7	18.6	43.1	45.3	44.2

Subject Choice

During the reporting period, traditional patterns of subject choice have changed only slowly.

At primary school there is little opportunity for subject choice. Although the primary school curriculum is the same for boys and girls there has been some classroom based research which reveals that teaching styles may contribute to the different educational paths taken by boys and girls at secondary school. Girls continue to choose traditionally female-dominated subjects such as typing, home economics and languages, especially from the third year of secondary school (form five) when students may choose from a wide range of subjects examinable for School Certificate, New Zealand's major national educational qualification.

In the 1990 School Certificate examination, girls predominated in shorthand-typing (98%), home economics (78%) and clothing and textiles (99%). They were a majority in foreign languages (70%), music (62%) and history (57%). The only science subject where girls outnumbered boys was biology and biological science (61%); in all other science and technology subjects they were in the minority. Girls were closest to parity with boys in mathematics (48%) and science and technology (48%), but in chemistry (21%), physics (12%) and physical science (19%) girls remained under-represented. Technological subjects female participation was low: agriculture and horticulture 30%, technical drawing 13%, woodwork 2%, workshop technology 4% and engineering shopwork 2%.

However, both the number and proportion of girls relative to boys who were assessed in the following subjects have decreased since 1985:

	1985		1990	
Shorthand typing	1,339	99.6%	755	96%
Home economics	4,622	85.0%	4,530	78%
Clothing and textiles	2,449	99.6%	2,352	99%

In typing, the proportion is still the same. A total of 98% of all typing candidates are girls, but the enrolments have dropped from 11,805 in 1985 to 10,491 in 1990.

In English and other languages, female students maintain their dominance in the senior secondary school. In 1990, 76% of language students in form six, and a similar proportion in form seven, were female. In form seven, female students made up 58% of English programme enrolments and 80% of enrolments in the 1990 University Bursary English exam.

In recent years, there has been a substantial closing of the gap between males and females undertaking senior school mathematics. Of the female cohorts entering secondary school in 1986, approximately 50% studied sixth form mathematics courses in 1990. The gender gap was 8%, whereas a decade ago it was 15%. Changes to the mathematics curriculum in the seventh form make it difficult to measure changes in female access to mathematics at this level. Sixty-two percent of female candidates and 78% of male bursary candidates were assessed in at least one mathematics subject in 1990.

Young women continue to be outnumbered in science classrooms. In 1990, only two-thirds of fifth form girls were taking science compared with three-quarters of fifth form boys. Beyond the fifth form, trends in science participation are complex. Over the last decade there has been a decline in the number of girls (and of boys) enrolled in sixth form chemistry and biology, although the number of girls taking physics has increased slightly. Girls remain outnumbered 2.5:1 by boys in sixth form physics.

At the seventh form level, female participation in science has increased at a greater rate than male. Biology remains the dominant area for scientific study for females, and they are still more likely than males to discontinue studying chemistry and physics in the seventh form, being outnumbered 3:1 in physics programmes in 1990.

In the period under review, a range of locally developed and approved courses of study has been introduced into the senior secondary schools. The outcomes of these are being monitored.

Examinations and Qualifications

Young women now leave school more highly qualified than in the past, and on average better qualified than their male peers. The proportion of female students leaving school with a seventh form qualification has more than trebled, from 10% in 1975 to 35% in 1990. Conversely, the proportion leaving with no formal qualifications (15%) is less than half what it was (34%) in 1975. Currently more girls (88%) than boys (83%) who enter secondary school remain through to the fifth form to be assessed in the first major national qualification – School Certificate. In this examination female candidates receive, on average, higher grades than their male counterparts, particularly in English.

In line with their higher retention rates into the senior secondary school, girls are more likely to be assessed in Sixth Form Certificate and University Bursaries/Entrance Scholarship examinations. In Sixth Form Certificate girls continue to outperform boys – with 41% of all girls' grades ranging between one and four, compared with 36% for boys. In the seventh form, male and female

performance is about equal. New Zealand's highest secondary school qualification, University Bursaries/Entrance Scholarship, is awarded by public examination. In 1991, girls received 47% of the scholarships awarded.

Currently under development is a new national qualifications system that aims to reduce the artificial distinctions between academic and vocational courses. The flexibility of the new National Certificate should prove beneficial to women as a variety of entry points provide pathways to advanced professional and technical qualifications.

Maori Girls in Schools

During the reporting period there have been significant developments in Maori education in response to the continuing pattern of under-achievement of Maori children of both sexes within the mainstream education system. The Kohanga Reo movement of Maori language pre-schools has continued to grow. In 1990, 45% of Maori girls who were enrolled in early childhood education attended Kohanga Reo. By July 1991 there were over 600 Kohanga Reo throughout the country. A training programme (with Maori as the medium of instruction) has been established in 1992 for Kohanga Reo staff.

The most significant development during the period under review is the establishment of Kura Kaupapa Maori, schools in which the entire curriculum is in Maori language and in accordance with Maori values. Kura Kaupapa Maori were established in part to provide ongoing Maori immersion education for the new generation of Maori children emerging from Kohanga Reo fluent in their own language and culture. The first Kura Kaupapa Maori was established by Maori families outside the mainstream education system in 1986. The Education Amendment Act 1989 provided for the recognition of Kura Kaupapa Maori within the national education system and funding was provided for six such schools in 1990. By 1992, 13 Kura Kaupapa Maori were in receipt of state funding.

The gap between Maori and non-Maori students is widening in the attainment of higher school qualifications. Both Maori and Pacific Islands girls are much more likely than others to participate in a narrow range of female-dominated subjects. Maori girls are more likely than non-Maori girls to leave secondary school in the first two years and they are therefore less likely than non-Maori girls to gain educational qualifications, and the qualifications they do gain are more likely to be locally rather than nationally based. They are more than twice as likely (34.8% in 1990) as non-Maori girls (14.8%) to leave school with no formal national qualifications. Compared with Maori boys, Maori girls show the same trend as non-Maori girls in staying at school longer and doing better than Maori boys in examinations. Those Maori girls who are retained at senior levels are less likely than non-Maori girls to enter directly into tertiary institutions.

Teaching Staff

The proportion of women in the New Zealand teaching service decreases as the age of students increases and as the seniority and responsibility of teaching positions increases. In 1990, women comprised 99% of kindergarten teachers, 76% of primary teachers, 50% of secondary teachers and 34% of tertiary teachers. Fifty-nine percent of permanent full time teaching staff were women and part-time and relieving positions were held predominantly by women in all sectors.

The Teacher Career and Promotion Study, which was established before the current reporting period, continued to monitor the progress of women teachers into senior positions. A positive action programme was initiated in 1987. This established review groups in secondary schools to consider what action was necessary to ensure more women were promoted. The development of management skills among Maori women teachers was identified as a priority by the Department of Education, and during the reporting period several in-service courses on management skills for Maori women teachers were held.

The Ministerial Committee of Inquiry into Pornography (see Article Five) recommended in 1990 that educational institutions should exemplify non-sexism by appointing more women at senior teacher level and encouraging men into early childhood education. The reforms of education administration also resulted in a statutory requirement for Equal Employment Opportunities programmes to be operated throughout the education sector.

Since 1985, there has been little change in the proportions of men and women primary and secondary teachers who are principals. By 1990, while 23% of primary principals were women, male primary teachers were still ten times as likely as female primary teachers to be principals. In secondary schools, while men and women comprise equal proportions of the teaching staff, in 1990 only 19% of principals were women. Almost twice as many men as women in both sectors held senior positions other than principalships. Within the primary and secondary teaching service, women are less likely to apply for senior management positions but, when they do, they are more likely to be

successful. In the universities the ratios were even more unbalanced; women comprised 28% of all university level teachers in 1990, but only 4% of professors. The percentage of women appointed as lecturers has increased by 10% since 1985 and women are now more likely than men to be successful at gaining an academic position on their first application (69% and 49% respectively).

The reforms of education administration in 1989 introduced important changes for teacher training. Colleges of education now enjoy much greater autonomy than they did previously, including control of teacher trainee selection (within minimum training levels set by Government). Colleges of education are now creating new and more diverse courses including a number of specialist courses for teachers within bilingual and Maori language schools. Teacher training in these areas, which supports the initiatives in Maori education, should improve educational outcomes for Maori girls, and lessen the comparative disadvantage between them and their non-Maori peers.

The teaching profession continues to be dominated by women, with 80% of trainees in 1990 being female. The heavy concentration of women in early childhood and primary teaching is replicated in training patterns. Almost all early childhood trainees are women (96% in 1990), while 80% of primary and 62% of secondary trainees are also women.

Figures for 1990 show that Maori and Pacific Islands students are entering teacher training at more than twice the rate at which they are currently represented within the teaching service. Not all of these Maori students are fluent in the Maori language.

Premises and Equipment

The recent reforms which provide for the self-management of educational institutions include the bulk funding of mainstream operations in all educational institutions according to a standard formula. Each institution has responsibility for the maintenance and development of premises and equipment and considerable discretion as to how it manages its funds to achieve the educational goals and objectives stated in its charter. Equal opportunity to participate in sports and physical education rests on decisions concerning the direction of resource use and teaching delivery made at the school level.

ELIMINATION OF STEREOTYPING

During the reporting period, Government generated initiatives to promote gender equity and equal employment opportunities in education. These include the establishment in 1986 of three positions within the Maori and Pacific Islands, Curriculum Development and Continuing Education Divisions of the Department of Education, to address issues relating to the education of girls and women. This was particularly significant for Maori and Pacific Islands girls and women.

The Girls and Women Section was established within the Policy Division of the Ministry of Education in 1989, consolidating the three positions established in the previous department and creating a new position of Manager.

Other significant initiatives have been taken during the reporting period in the areas of research, curriculum development, resource provision and teacher development. A considerable body of research on women in education in New Zealand has been undertaken within the universities and other institutions as well as by the Department of Education and then the Ministry of Education. Such research has helped to shape and inform ongoing initiatives to counteract sexism at all levels. From 1989, more systematic collection of data on the position of Maori female students in universities has enabled the closer monitoring of their progress.

Curriculum developments during the reporting period have all been undertaken with a view to the elimination of gender bias from existing curricula and resources. This is evident in the draft national curriculum statements in mathematics and science currently being evaluated by teachers.

During the reporting period it became government policy to use gender-neutral language in all government publications, including teaching and other resource materials produced by the Department of Education and then the Ministry of Education. A body of counter-sexist and affirmative action resources has also been produced and widely disseminated. More recent examples include *Equitable learning opportunities for women in polytechnics: an affirmative action resource* (1989), *Countering sexism in education: a practical guide for educators* (1989), *Countering sexism in Access training* (1989), *A guide for teachers on non-sexist resources* (1991), and *Sexual harassment: the right to say no* (1991).

In-service courses for tutors involved in the provision of women's courses at polytechnics began in 1986. From 1986/87 onward, in-service training and professional development courses on non-sexist and counter-sexist education have involved departmental staff, advisers, and educators across all sectors of education.

In 1987, the Wellington College of Education offered an Advanced Studies for Teachers course paper entitled 'Towards Equality'. Other colleges of

education then began to develop similar courses, including some for distance education. In 1989, *Gender Equity*, an in-service training kit was developed for use throughout the education service.

Learning Media, the resource production agency linked to the Ministry of Education, continues to produce certain resources for use in this field.

Responsibility for initiating anti-stereotyping programmes has been devolved to individual education institutions, including the providers of teacher training and professional development. At the time of reporting, there is some pre-service, in-service or management training for educators in the area of counter-sexist education.

SCHOLARSHIPS

All public scholarships and study grants in New Zealand are open to both sexes. Privately endowed scholarships may be gender-tagged. While some are tagged for women, the most lucrative private scholarships in New Zealand have traditionally been for men. In recent years, New Zealand women have been finding age rather than gender a barrier to receiving scholarships, as some (e.g. the prestigious Nuffield and Harkness scholarships) have had a 40 year upper age limit. This disadvantages women who have interrupted their careers for child rearing.

A number of women's non-governmental organisations have scholarships for women to continue their studies at tertiary institutions.

CONTINUING EDUCATION AND LITERACY

Institution-based continuing education is available through secondary schools, polytechnics, the Correspondence School and extramural university studies and, within universities, through Centres for Continuing Education. Women account for the great majority of enrolments in each type of continuing education course across all educational settings.

In 1990, a total of 9,690 women were enrolled part-time in university courses compared with 6,062 men. Significantly more women than men also enrol as extramural university students – 8,078 women in 1990 compared with 5,539 men – and many achieve degrees, certificates and diplomas in this way. This type of continuing education particularly suits women who cannot easily reach a tertiary institution, because of geographic isolation or domestic responsibilities. For this reason, extramural students tend to be older than internal students in 1990, 11% of internal university students and 29% of extramural students were aged 40 years or more.

Distance education provides ongoing opportunities for women who did not complete their education at an earlier age. Women made up 59.3% of extramural students in 1990 and 59.5% in 1991.

A number of community-based organisations offer a wide range of other non-formal continuing education courses. No comprehensive or reliable data is available on this sector, but evidence suggests that women also account for the great majority of enrolments in these courses.

Rural women's participation in post-compulsory education is discussed under Article 14.

New Zealand has no official measure of adult literacy but is internationally recognised as having a high level of literacy among both women and men. English language courses for new immigrants are widespread, with English as a Second Language courses being offered in a number of secondary schools. Literacy and learning tuition for adults is offered informally by ARLA (Adult Reading and Learning Assistance) to over 2,000 students nationally, one-third of whom are women. ARLA programmes are targeted to those in low-status, low-income occupations and to unemployed people.

New Zealand Sign Language is the first language of 5,000 profoundly deaf people. The percentage of women in this group is not known.

RETENTION

Retention rates for New Zealand women in post-compulsory education improved significantly throughout the reporting period. Female retention rates now exceed those of males in every secondary school year by an average of 6%. In 1990, the apparent retention rate for girls to form six was 74.6%, compared with 68.8% for males. Girls with disabilities are the exception, spending less time at secondary school than their non-disabled peers, and less time than boys with disabilities.

Improved retention rates to form six may indicate that females are choosing to pursue higher levels of education because of their higher career aspirations. The majority of female students at this level are continuing to study within a limited range of subject areas and their retention may in part reflect a shift in entry criteria in the traditionally female-dominated fields of teaching and nursing. Women continue to be concentrated in a narrow range of occupations. (See discussion under Article 11.)

Female retention rates to form seven (the level of education usually required for entry to university) have recently achieved parity with male rates, and

they now outstrip male rates. In 1990, 37% of the third form female cohort remained in school until the final year, compared with 34% of males. High levels of female retention to form six suggest that gender differences at the seventh form level will continue to widen in favour of females.

Retention of Maori Girls

Substantial improvements in the retention of Maori girls have been made during the reporting period. Since 1980 the number of Maori girls entering form six has more than doubled from 22% to 49%. However, comparable increases for non-Maori girls have meant that there has been only a slight reduction in the difference between the retention rates of Maori and non-Maori girls to form six.

Maori girls are still at great risk of leaving school before form five when the School Certificate examination is usually held, and thus are more likely to leave without a formal national qualification. In 1991, 12% of Maori girls left school before form five compared with 4% of non-Maori girls. One contributing factor to this low retention rate is the continuing likelihood that Maori children will be retained longer than their non-Maori counterparts in the junior school.

PHYSICAL EDUCATION

In New Zealand schools, physical education is compulsory for boys and girls until form five and most schools encourage strongly the playing of sport by both sexes. In the last decade females have began to play 'male' sports (e.g. rugby, soccer) and males have begun to play 'female' sports (e.g. netball). Mixed teams for these codes cease at primary school level.

The Human Rights Commission Act permits 'the exclusion of persons from one sex from participation in any competitive sporting event or activity in which persons of one sex generally compete separately from persons of the other'. This has resulted in complaints from girls prevented from playing in all-boy rugby or soccer teams. As all-girl teams in these sports are rare, girls are effectively prevented from participating in these team sports which remain male strongholds.

The critical issues for girls and women in the fields of sport and physical education are acknowledged to be those of access to facilities and resources, myths of superior male physical competency, lack of role models and a generally lower value placed on the achievements of women in sport.

The participation of girls and women in sport and physical activities is discussed further under Article 13.

HEALTH AND FAMILY LIFE EDUCATION

New Zealand remains committed to the elimination of sexual harassment, sexual abuse and violence within all learning environments. The Curriculum Review undertaken at the beginning of this reporting period found that 'Sexual and other forms of harassment are common experiences for girls in pre-schools and schools'.

The Human Rights Commission Act 1977, section 26(d), establishes the responsibility of school boards of trustees to ensure that students are not subject to 'detriment' because of their sex. School charters have provision to ensure that the learning experience and environment is safe and is not limited by gender, and require that sexual harassment be eliminated.

The curriculum covers safety for girls and women. The health syllabus from primary to form seven levels includes the topics 'Keeping Safe', 'Building Self-Esteem', 'Relating to Others', 'Physical Activity and Health' and 'Having a Role in Community Issues'. These allow for the teaching of personal and social health issues.

The extensive sex education programme within the health syllabus covers sexuality, human relationships and skills for successful parenting. This programme is not compulsory and schools, in consultation with their communities, may determine whether it is taught.

The home economics syllabus at fifth form level also covers the different needs and requirements of individual members of the family. This provides a focus for family relationships and responsibilities. In addition, many secondary schools in the post-compulsory area run either liberal studies or skills courses.

It is now the responsibility of individual schools to make provision for health education programmes within their budgets. The Ministry of Education has recently requested the Education Review Office to further investigate this issue in the context of desired educational outcomes.

New moves to provide a coherent framework for this part of the curriculum are underway. The Minister of Education has recently placed high priority on a health and welfare policy development project. The Department of Health is also embarking on a teacher development and publicity campaign in the area of sexuality education, including HIV/Aids.

Discussion of family planning education is included under Article 12.

ARTICLE 11
EMPLOYMENT

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right to work as an inalienable right of all human beings;

(b) the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) the right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) the right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) the right to social security, particularly in the cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

(2) in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities; and

(d) to provide special protection to women during pregnancy in types of work proved to be harmful to them.

(3) protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

WOMEN IN THE PAID WORKFORCE

Provisional 1991 census results counted 1,591,725 persons in the labour force, of whom 1,433,487 were in paid employment and 158,238 were unemployed and seeking work. The number of persons working in the part-time labour force rose by 37,809 (17%) between 1986 and 1991 to reach 259,026. This contrasts markedly with the number working in the full-time labour force which declined by 103,746 persons or 8% during the same period to reach 1,174,461.

As at September 1991, women comprised 43% of the total New Zealand labour force. A total of 54% of the female working age population were in the labour force. Of those, 90.5% were employed and 9.5% were unemployed.

Since 1984, as discussed in Part One of this report, government economic policies have focused on lowering inflation, deregulation, and reduction of border protection for New Zealand-made goods. One of the immediate effects of these policies has been the reduction of employment in manufacturing and, to a lesser extent, the primary sector. Employment in the services sector, less exposed to international competition, has grown over the same period. The recession induced by disinflationary policies has increased the trend towards a growing proportion of part-time and casual work. The net effect is that the number of women in paid employment has continued to rise, while the number of men in paid employment has

fallen considerably; between the 1986 and 1991 censuses, women's participation in paid work increased by 2.4% and men's participation decreased by 9.1%.

Women's participation varies according to age, ethnic group, marital status, maternal status, hours of work, education, disability status and geographical location. Participation rates in recent years have also been affected by economic recession with its concomitant contraction of employment opportunities for everyone, women included. Older women (aged 50 and over), Maori women and young mothers are less likely to be employed than younger women, non-Maori women and women without dependants.

A major difference between men and women is in hours of work; women are more than twice as likely to work part-time than men, and about half as likely to work full-time. In September 1991, 17.9% of the female working age population (total 233,000) was in part-time work, whereas only 6.6% of the male working age population (81,600) was in part-time work. In particular, part-time employment among young women aged 15-19 has increased, related to their greater participation in post-compulsory education and training. Women aged 55 and over have also moved increasingly to part-time employment in the last 10 years, although this may reverse as the age of eligibility for state funded superannuation rises from 60 to 65 years. Maori women are less likely than non-Maori women to work part-time.

Compared with men, both Maori and non-Maori women (nearly 90%) are more likely to be employees rather than employers or self-employed; Maori women are more likely to be employees than non-Maori women, and both Maori and non-Maori women are less likely to be in senior positions in their employment. The Wahine Pakari programme, which aims to promote Maori women's involvement in business and self-employment, is discussed under Article 4.

As at September 1991, 50% of the Maori female working age population (total 124,700) and 50.4% of the Pacific Islands female working age population (total 45,700) were in the labour force, compared with 54.4% of the European female working age population (total 1,072,300).

In the prime working age group from age 25 to 44 the proportion of men in full-time work fell from 89.7% to 79.4%, while the proportion of women in full-time work increased from 42% to 42.4%. The proportion of women aged 45 to 59 working full-time rose from 38.6% in 1986 to 41.3% in 1991.

Female unemployment rates are highest (17.4%) in the 15-24 year age group who represented 24% of the total female labour force in September 1991. Women are more likely to become unemployed because their employment was temporary or seasonal, or they have had to leave for family reasons. Men are more likely to have been made redundant or dismissed. However, official measures of unemployment exclude a large number of people seeking work, such as those who want a job but are unable to start immediately, those defined as passive rather than active job seekers and those not seeking work because they believe they lack the appropriate skills or are the wrong age. In general, where broader definitions of 'unemployment' are used, greater numbers of women fall into this category.

Changes in the Labour Force, Working Age Population and Hours of Work 1986–1991

	Male	Female
Working Age Population (aged 15 to 59 years)	+4.4%	+5.6%
Labour Force	−4.4%	+3.7%
Full-time Employment	−11.4%	−1.9%
Part-time Employment	+30.6%	+13.2%

There is a marked ethnic difference in unemployment rates. In September 1991, the Maori female unemployment rate was 25.6% of the Maori female labour force, the Pacific Islands female unemployment rate was 29.2% and the European female unemployment rate was 6.9%. This compares with the Maori male unemployment rate of 25.7%, the Pacific Islands male unemployment rate of 32% and the European male unemployment rate of 9.2%.

Women with disabilities are among those groups with the highest measured unemployment rates, estimated to be 37.6% in 1990.

THE RIGHT TO WORK

Legal protection from discrimination in employment on the grounds of sex are covered in the Human Rights Commission Act 1977 and also in the Employment Contracts Act 1991.

The Human Rights Commission Act does not cover discrimination on the grounds of pregnancy, health status, sexual orientation, political opinion, trade union involvement, employment status, beneficiary status, family status or identity of partner or relative. All of these grounds are included in the Human Rights Commission Amendment Bill currently being examined by a select committee of Parliament. There is no definition of marital status in the Act, although there is in the Bill. The Human Rights Commission

currently uses Section 27 of the Act (Discrimination by Subterfuge) which covers indirect discrimination, to act against discrimination on the grounds of pregnancy.

The Employment Contracts Act 1991 covers discrimination in employment on the grounds of sex. It requires personal grievance procedures in all contracts of employment, and thus confers on women employees the right to take sex discrimination cases as personal grievances.

The remaining legal barriers to women's participation in paid employment are their exclusion from combat roles in the armed forces and from roles in the police and traffic safety service which involve violence or the threat of it (discussed under Part One (b) of this report). Note that a reservation was entered on this.

Although women are protected from discrimination in employment, women continue to dominate in areas of traditional female employment.

EQUAL EMPLOYMENT OPPORTUNITIES

Considerable efforts have been made to promote equal employment opportunities programmes (EEO) in both the private and public sectors during the reporting period.

The State Sector Act 1988 requires the chief executives of government departments to develop and publish an annual EEO programme for their departmental staff, to ensure that this programme is complied with, and to report on progress. The State Services Commission must promote, develop and monitor EEO policies and programmes in departments.

In the education sector, the State Sector Amendment Act 1989 requires every employer to develop and publish a plan, ensure that it is complied with, and report annually to the Education Review Office.

In the health sector, the Area Health Boards Amendment Act 1988 outlines similar provisions to those in the State Sector Act, with the exception of external monitoring requirements. The general manager of each area health board must develop and publish an annual plan and ensure compliance with it.

The State-Owned Enterprises Act 1986 contains limited EEO requirements. These enterprises are required to develop EEO programmes. It is the responsibility of the directors and the shareholding Ministers to ensure compliance with the legislation. The Employment Contracts Act provides the basis of accountability for these requirements, under its personal grievance provisions.

The legislation covering local authorities has the same EEO and 'good employer' provisions as the State Sector Act.

In the private sector, there is no legislation requiring the development of EEO programmes and policies. The Human Rights Commission Act provides a complaints-based mechanism for the pursuit of equal employment opportunities, and a case was taken to the Equal Opportunities Tribunal by the Human Rights Commission on behalf of female cabin crew employed by Air New Zealand during the reporting period . The complainants felt that they had not been promoted because of their gender. The Tribunal found that the airline was guilty of sex discrimination, and Air New Zealand paid considerable compensation to the female workers. The airline also agreed to implement a comprehensive sexual harassment policy and programme.

Joint Private/Public Sector EEO Trust

In a joint venture with the New Zealand Employers Federation, the Government established the Equal Employment Opportunities Trust in late 1991. The role of the Trust is to promote EEO as good management practice by developing and disseminating education material promoting EEO, commissioning research, co-ordinating resources and developing and promoting EEO programmes.

Membership of the Trust includes 28 of New Zealand's major private sector employers, such as Fletcher Challenge, the ANZ Bank, Goodman Fielder Wattie and others. There are four public sector trustees who are chief executives or senior managers in the state sector.

The Government has contributed towards the establishment costs of the Trust and will make available up to $100,000 a year for the first three years of its operation. Private sector contributions towards the costs of setting up the Trust totalled $140,000.

In addition, the Government committed $300,000 to a contestable EEO fund, available on a competitive bidding basis to projects which promote EEO among employers. The Fund is managed by the Department of Labour and the Ministry of Women's Affairs. The first six projects to be supported from the Fund were announced at the end of the reporting period, and include a comprehensive audit of EEO resources, the production of a video promoting EEO in the private sector, action research in three organisations, a booklet on EEO guidelines, seminars for employers, and a project on the response of employers to the needs of employees who have the main care-giving role in families.

Trade Union EEO Activity

Many private sector EEO activities during the reporting period were initiated by trade unions with large female memberships in industries with a history of active discrimination against women.

One of the most active trade unions during the reporting period was Finsec, the finance sector union formed from the amalgamation of the bank officers' and insurance workers' unions in 1990. The Bank Officers Union had been active on EEO issues since the early 1980s, taking a discrimination case to the Human Rights Commission, appointing a women's officer, and conducting a survey which showed that women in banking were discriminated against. In 1985-86 EEO working parties, including representation from the Union and the Human Rights Commission, were established in each of New Zealand's four trading banks, but in 1987 the working parties ceased. In 1988, the Union published *Unbalanced Banking*, the story of the campaign for equality for women bankers, and in 1989 began a survey of part-time workers in banks. This survey was published as *Short Changed* in 1990. A survey of women in the insurance industry was also published in 1990: *At Risk – the story of women's career prospects in the insurance industry.* These publications were followed by seminars for women employees and meetings with employers to discuss the findings and promote the introduction of EEO programmes.

Despite this, progress in banking and insurance has been slow. In 1989, 40% of women in banking were on the two lowest grades compared to 18.5% of men, and less than 5% of women were at accountant level or above compared to 43% of men. In insurance 60% of women were on the first three grades, compared with 30% of men, while only 3.5% of women were above grade five, compared with 17% of men. However, the trend is towards slow movement upwards for women in both industries.

Gender-Neutral Job Evaluation

A gender-neutral job evaluation kit was launched in mid-1991, resulting from the work of the Employment Equity Commission. It was endorsed by Government, which promoted its use to larger employers and employee groups.

CHOICE OF PROFESSION AND EMPLOYMENT

Women's increased numerical participation in the paid workforce has not been matched by across the board changes in the variety of occupations in which women are employed, or by the status of women within occupational groups. Women remain concentrated in a few industries and continue to work in traditional female occupations. Almost half of all employed women work in just six occupational groups – nurses, teachers, typists, bookkeepers/cashiers, clerical workers and sales assistants. Men heavily outnumber women in the primary and secondary sectors of the economy (manufacturing, primary production, building and construction, mining, etc); women significantly outnumber men in the service sector (community and personal services, wholesale and retail trade, restaurants and hotels, finance, insurance and real estate).

Although gender differences in occupations remain marked, these are slowly being eroded. Accountancy, management and legal positions are examples of occupations where the proportion of women had risen dramatically to 15-25% by 1986. The proportion of economists who are women rose from 10% in 1971 to 35% in 1986. In each of the five occupations which contained the highest percentage of women in 1971, there were proportionately fewer women by 1986.

Maori women demonstrate different employment patterns to non-Maori women, being more likely to be employed in production, transport, labouring and servicing occupations, and less likely to be working in professional and technical, administrative and managerial, and sales and clerical occupations.

Just as there are marked differences between occupations for men and women, so there are big differences within occupations between the status of women and men. For example, although over 90% of medical, dental and veterinary workers are female, only 33% of doctors, dentists and veterinarians are female. Women outnumber men in the finance, insurance and real estate sector of the economy, and although women constitute 61% of total staff in the banking industry they form 76% of the staff in the lowest three grades.

Although change is slow, an increasing proportion of those in senior positions are women. Since 1982, there has been a gradual increase in the number of women in senior teaching positions in primary and secondary schools, but major differences remain. In the banking industry in 1982 there were only three female bank managers out of 1,405 bank managers. A survey of six of the retail banks revealed 249 female managers out of 2,218 managers. In the public service, only 1% of workers at the top of the executive clerical grade or above were women in 1985; by 1988, this had risen to 7.6%.

Pro-active programmes aimed at increasing women's participation in non-traditional occupations are discussed under Article 4.

EQUAL REMUNERATION

The 1986 census data showed that women's median income from all sources was 50% of men's income.

Paid employment is the main source of income for women under 60 in New Zealand. In November 1991 the average ordinary time weekly earnings for females was $467.80, 78% of males' average weekly pay of $601.80. Women's average hourly earnings are about 81% of men's, and this relativity has remained almost unchanged since the implementation of the Equal Pay Act was completed in 1977.

The positions of women and men in the distribution of market income are starkly and diametrically opposed. Women are concentrated in the lower income groups, men in the higher. In spite of this, the relative position of women has improved slightly over the 1980-1988 period, with a 3% increase in the proportion of women in the top two income quintile groups and a 3% decline in the number of men in these groups.

The reasons for the disparity in earnings are many, including women's lower labour force participation, their fewer average hours of paid work, greater likelihood of intermittent participation in paid work, and (associated) younger average age in the workforce, lower levels of education and different occupational distribution. A recent examination suggests that these factors can explain at least two-thirds of gender differences in pay, leaving one third unexplained.

Women of all ages are more likely than men to rely on income from welfare benefits and pensions. Benefits made up over 20% of the incomes of women under age 35 in 1988-89, compared with 5% of men's income in the same age group. For women aged 35-59, 14–15% of their income came from benefits compared with 2% of male income in the same period. Over the age of 60, 72% of women's incomes derives from social welfare payments, compared with 49% of men's. Maori women are particularly dependent on welfare payments; benefits were the sole source of income for 47% of Maori women in 1981, compared to 25% of non-Maori women.

Equal Pay

The Equal Pay Act 1972 provided for the removal of discrimination in rates of remuneration based on the sex of employees. Such discrimination was at that time explicit in national awards. The Act provided for incremental implementation, a process completed by 1977. The Act has been interpreted as providing for equal pay rates for men and women doing the same work, although it does allow for special rates to be paid to employees on the basis of 'special qualities'. A difficulty lies in distinguishing whether payments are for special qualities or represent discrimination.

During the reporting period women continued to earn significantly less than men. While the pay gap between male and female earnings closed by seven percentage points (from 72% to 79%) between the passage of the Equal Pay Act 1972 and its final implementation date in 1977, it has risen only two percentage points to 81% in the past 15 years.

Despite the existence of the Equal Pay Act, the distribution of market income in New Zealand is heavily weighted in favour of males as noted above. In all occupational groups male full-time employees receive higher median incomes than their female counterparts. This is the case even in occupational groups which are predominantly female, such as clerical work. Even though 74% of clerical workers are female, they earn on average only 73% of the average male clerical worker's pay. In the service and sales occupation groups in 1986, men's full-time median incomes were respectively 73% and 69% higher than women's.

In the higher paid occupational groups the gaps are not quite as large. Male full-time managers and administrators have a median income which is 48% higher than their female co-workers, while for male professional and technical workers it is 39% higher. This is probably a reflection of the higher educational qualifications which are required for these occupations, which attract some measure of higher reward, although even where qualifications are equal, women do not earn as much as men. For example, in 1986 only 17% of women with tertiary qualifications earned over $20,000, compared to 50% of men with similar qualifications. Nearly half of all women with tertiary qualifications earned $10,000 or less compared to only 15% of men. A lack of qualifications has a significant impact on the incomes of Maori women, whose full-time earnings in 1986 were over $2,000 less than that of all women. Of this difference, 30% has been attributed to lack of qualifications.

Provisional 1991 census results show that males are still receiving more income than females in all income groups over $20,000 a year, rising steadily from one female to 1.4 males receiving between $20,001 and $30,000, up to one female to every 6.6 males receiving more than $70,000 a year. By contrast, 60% of all people earning $20,000 or less were female.

Employment Equity Act

In the 1980s, some test cases under the Equal Pay Act confirmed that the courts interpreted the

provisions of the Act to apply only where men and women were doing the same or substantially similar work. Many groups recognised the need for wider legislation to cover pay equity or equal pay for work of equal value, and to address the differing pay rates of women and men in predominantly 'single sex' occupations, such as nursing and police work, which many considered carried equal levels of responsibility but not equal levels of remuneration.

The campaign for pay equity was strengthened during the reporting period by the formation of CEVEP, the Coalition for Equal Value Equal Pay, a coalition of unions, women's groups and individuals. The Government convened a Working Group on Equal Pay and Equal Employment Opportunities. The report of this group, chaired by Margaret Wilson, recommended pay equity legislation and the setting up of a Commission for Employment Equity which would cover both pay equity and EEO. The Employment Equity Act was passed in 1990.

The Act was constructed within the industrial relations legislative framework prevailing at that time.

After the repeal of the Employment Equity Act, in December 1990 the Government established the Working Party on Equity in Employment which recommended that legislation be enacted requiring large employers to establish EEO programmes, and that Government establish a joint private/public sector trust to promote EEO in the private sector (discussed above). On the issue of pay equity, the Working Party concluded that they did not see it as the function of an outside body to carry out comparable worth exercises either across or within organisations.

Effectiveness of Equal Pay Act

The Equal Pay Act 1972 focused on removing gender discrimination in industrial awards. With the enactment of the Employment Contracts Act 1991 and with strong pressure in the public sector for decentralisation of wage bargaining, the number and coverage of national awards has declined considerably and will continue to do so.

This was recognised when the Employment Contracts Act was passed, and the Equal Pay Act was amended to ensure that equal pay provisions would apply to staff working in the same workplace, whether they were on individual or collective contracts. The practical application of the Equal Pay Act remains unclear in the case of individual employment contracts as no cases have been taken.

Unpaid Work

New Zealand women make a considerable contribution to the national economy through the unpaid work they do, in the home, in the community, and in small family businesses or farms. There are no mechanisms to ensure that this work is counted as part of the gross domestic product.

Women contribute to family businesses in a number of areas. For example, women do a range of tasks on New Zealand farms, from farm labouring to farm management and administration. Women also contribute to the paperwork and bookkeeping in family businesses, often combining this work with domestic and childcare duties. Women also work in family retail businesses.

New Zealand women may sometimes lack recognition of their status as workers in the family business. The terms and conditions of employment for unpaid family workers are not protected by any agreements other than private arrangements within the family. While they remain married, women's access to the financial benefits of their work is also left to private agreement. On the dissolution of marriage, however, both partners have rights to half the matrimonial property under the Matrimonial Property Act 1976. An exception is made in the case of farms, where the division of the property would result in non-viable farming units. Women leaving marriages in such cases may have difficulty gaining access to their share of the matrimonial property.

Unpaid workers who are injured during the course of their employment are not eligible for earnings related compensation under New Zealand's accident compensation legislation, but do get the costs of treatment paid, as do all accident victims.

Initiatives to begin to measure and place value on unpaid work in New Zealand were taken during the reporting period. In 1988, the Ministry of Women's Affairs began discussions with the Department of Statistics which resulted in the development of a pilot time use survey. The Ministry also held a number of workshops on unpaid work during 1989 to help raise awareness of the issue. These included a national seminar for policy makers.

The pilot time use survey was carried out by the Department of Statistics in 1990, and the report of the pilot survey, *Testing Time*, was released in 1991. The pilot survey was designed to test the methodology for a substantive survey, but it also provided some broad, indicative statistics which confirmed that New Zealand women do the larger share of the domestic work and unpaid childcare. A special analysis was made of time spent on voluntary work in the community. This showed that women comprised the majority of those who do unpaid work in the community. The three most

common activities were fundraising, food preparation and childminding, and the most common recipients of unpaid work were relatives and friends.

The Ministry of Women's Affairs continues to work towards the introduction of a full scale time use survey to provide more detailed information on unpaid work. A full survey was subject to Government decision at the end of the reporting period.

Government departments involved in social policy development have identified a range of policy applications for time use data, many of which will help to make women's unpaid work in different areas more visible. For example, a time use survey is expected to provide more accurate data on the farm labour force, which will include measuring the unpaid input of women on farms. Time use data will be used to construct a profile of the voluntary and informal workforce which is expected to result in better planning for social assistance programmes such as continuing care services for the elderly.

In the area of education, time use data is expected to measure the voluntary input into early childhood care and education, and in the area of health, it will enable more accurate monitoring of the impacts of changes in health service delivery.

Time use data will also enable the measurement of the unpaid work of different sectors of the community. For example, it will be possible to measure the voluntary work of Maori on marae activities, or in services such as Kohanga Reo.

It is also expected that the survey will provide useful data on the interface between unpaid work and the labour market, which will assist in the development of effective labour market policies.

Some work has been done on developing techniques for valuing unpaid work. The Department of Statistics has published *Options for Evaluation of Unpaid Work in New Zealand 1991*, which examines the ways of adding value to the data gathered in the 1990 pilot time use survey, working towards the quantification of the unremunerated domestic and community activities of women in New Zealand.

SOCIAL SECURITY BENEFITS

Social security in New Zealand is largely tax-funded. Benefits covering unemployment, sickness, invalidity, sole parents and some categories of women alone are all funded through taxation and are available on an income tested basis.

Women are entitled to these social security benefits on the same basis as men.

There are some areas where women have an exclusive right to social security benefits. The widows' benefit is available to all widows, with or without children. A 'woman alone' benefit is available to older separated women.

Recent Changes to Social Security

Social security benefits are indexed to the consumer price index. Since the last report, the relative level of a number of benefits has been reduced. The basic rates of unemployment, sickness and single parent benefits were cut by 4–25% on 1 April 1991; the invalids' benefit rate was unchanged. The age of eligibility has been raised to 18 years for sole parents and unemployment benefits, and the youth rate of unemployment benefit is payable up to age 25.

National Superannuation

Guaranteed retirement income or national superannuation is also a tax-funded benefit. Unlike other benefits, applicants face an individual income test only and the abatement regime, administered through a taxation surcharge, is more gradual than for other benefits.

In 1989, the Government decided to adjust the guaranteed retirement income rate by the lesser of the consumer price index or the movement in wages until it aligned with the rate of the invalids' benefit. No adjustment occurred in April 1992, and the intention is to adjust this benefit in line with the consumer price index in future.

The age of eligibility for national superannuation is being raised progressively from 60 to 65 years by the year 2001.

Accident Compensation

Accident compensation is provided through social insurance levies on employers, motor vehicle owners, fuel and, from April 1992, on earners. Government contributes to cover some costs for non-earners. The fund provides for health care costs, rehabilitation, disability compensation and earnings related compensation. At the time of writing this report changes to the scheme are anticipated.

Private Pensions

Private pension schemes are subject to few government controls as far as their design is concerned. The coverage of surviving spouses, for example, while common in employer superannuation plans, is not automatic. The Human Rights Commission Act permits distinctions on the basis of gender where this is supported by actuarial evidence. Women are therefore generally charged more for annuities than men, based on women's longer average life expectancy.

The Matrimonial Property Act aimed to provide equal shares of matrimonial property on marriage

dissolution. This applies to superannuation as well as to other property, but the implementation of an equal split of superannuation has proved difficult and a review of the Act is likely to strengthen provisions in this area.

Maori Women and Social Security

Maori have a higher take-up rate for most social security benefits apart from national superannuation. In 1981, benefits were the only income source for 47% of Maori women. In 1986, 26% of all sole parents were Maori and single parent families with four or more children were more likely to be headed by a Maori sole parent than by a parent of other ethnic origin.

OCCUPATIONAL HEALTH AND SAFETY

Legislation governing health and safety in the workplace is being consolidated into the Health and Safety in Employment Bill 1992. The Bill, which is still being considered by Parliament, aims to promote to employers excellence in health and safety management and the prevention of injury and illness. Responsibility for health and safety issues are placed with the employer.

Current legislation has been concerned with deaths and disabling accidents and has therefore been difficult to relate to areas of work where women are concentrated, such as the clerical and retail sectors. The proposed new law contains general provisions of wide application which have the potential to improve health and safety outcomes for women.

Pregnant workers have the common law right to refuse work which may be harmful to them. The Health and Safety in Employment Bill does not give pregnant employees the right of access to other appropriate work, although such an employee may take a personal grievance against her employer under the Employment Contracts Act if she is dismissed or refused the option of transferring to other work during her pregnancy.

DISCRIMINATION ON GROUNDS OF PREGNANCY AND MARITAL STATUS

As noted, the Human Rights Commission Act prohibits discrimination on the grounds of marital status, and its provisions regarding sex discrimination are being interpreted by the Commission and the Equal Opportunities Tribunal to cover dismissal/discrimination on the grounds of pregnancy.

The Parental Leave and Employment Protection Act 1987 also prohibits dismissal by reason of pregnancy.

The Human Rights Commission Act permits 'preferential treatment on the basis of sex or marital status where the position requires a married couple'. This can apply in such positions as resident caretakers, and farmers are permitted to advertise for married couples to work on farms.

MATERNITY AND PARENTAL LEAVE

New Zealand women were first protected from dismissal due to pregnancy in 1980 by the Maternity Leave and Employment Protection Act 1980. This was superseded by the Parental Leave and Employment Protection Act 1987, which prohibited dismissal by reason of pregnancy or state of health during her pregnancy, or because an employee is taking or wishes to take parental leave.

Maternity and parental leave on pay is not part of New Zealand law or practice, and it is not the intention of the Government to introduce this requirement.

The parental leave legislation allows for fathers as well as mothers to take leave at the time of the birth or adoption of a baby. Parental leave is only available if the parent-to-be has worked for the same employer for at least 12 months before the expected date of delivery/adoption and has been employed at least 10 hours per week. There are three kinds of parental leave: maternity leave which is available to women for 14 weeks over the time the baby is due, which may be started six weeks before the baby is due and in some cases earlier; paternity leave, which is leave of up to two weeks available to male parents-to-be at the time of birth/adoption; and extended leave, which totals 52 weeks (including maternity leave), available to either or both parents to care for the child. As noted, none of this leave is paid leave.

The jobs of those on parental leave must be kept open for leave of less than four weeks; thereafter, the onus is on the employer to prove that the job cannot be kept open longer. If the job cannot be kept open the employer must offer a preference period of six months after the leave ends, during which time the parent on leave must be offered any job similar to their old job which becomes vacant. Time on parental leave counts as unbroken service. The trend of tribunal decisions regarding the holding of positions for employees returning from parental leave has been strongly towards the protection of the employee's right to return to work. In a 1988 case involving the Manukau City

Council, a large local authority, the judge stated the primacy of the employee's right to parental leave and the obligation on the employer, whatever the cost, to ensure that right is not infringed.

Parental leave rights may be enforced through the Employment Tribunal.

CHILDCARE AND EARLY CHILDHOOD EDUCATION

As noted under Article 10, childcare and early childhood services moved from the welfare sector to that of education before and during the reporting period.

Over the last 20 years a diverse range of childcare services have become available to parents. There are two basic types: early childhood (children under five) and out of school care (care for children aged five to 12 after school hours and during holidays). During the reporting period an integrated early childhood care and education policy, *Before Five*, was adopted by Government. A consistent approach to funding, minimum standards and staffing requirements for all early childhood services was adopted, thus recognising that all early childhood services provide care as well as educational components.

Informal child care is widespread, involving grandparents, friends and relatives, and other minders who are paid informally. Formal early childhood services include childcare centres, kindergartens, playcentres, community playgroups, home-based care, Kohanga Reo and Pacific Islands Language Nests.

The establishment of Kohanga Reo (language nests) for pre-schoolers in 1980 aimed at promoting the survival of the Maori language, spoken by only 12% of the Maori population. Maori women play leading roles in this movement, both at a national and local level. In 1990, 10,108 children attended 616 Kohanga Reo which was the single most important source of pre-school education for Maori children. The reporting period has also seen the establishment of Kura Kaupapa Maori or schools in which Maori is the principal language of instruction, and of bilingual classes in many schools, to ensure that early knowledge of Maori is not lost to children as they progress through the school system. The Maori language is taught in 233 or 57% of secondary schools and in 1990 was studied by 9% of all secondary students and 30% of Maori secondary students.

Pacific Islands Language Nests have also been established, again through the work of Pacific Islands women in New Zealand, to ensure that pre-school children learn their languages and culture.

The consequences of Before Five policies have been felt by women in a number of ways. All early childhood services seeking to access funds from Government were required from January 1991 to have negotiated a charter (a statement of objectives and practices) with the Ministry of Education. Community consultation was required in the development of charters and many hours of volunteer time was spent in preparing them. Charter guidelines seek standards for staff/child ratios and for qualification and training which are higher than those set out in statutory regulations.

The most significant funding changes in the Before Five package were felt by childcare services. Many services reduced parent fees and offered more places for under two year olds. Childcare workers also achieved significant wage increases, bringing them closer to the wages of kindergarten staff. Childcare rolls increased by 18% from 1990 to 1991.

Bulk grant funds were introduced for all chartered services. These grants are based on the numbers and ages of children enrolled in a service and their hours of attendance. The alignment of funding for all existing services was to be phased in over five years. Kindergarten teachers are paid from a central payroll, with the balance of funds going to services to meet other operating costs.

A staged increase in required staff qualifications for early childhood services has also been introduced. By 1995, half of the staff in a service will be required to have the equivalent of a three year qualification. Of the 5,000 full-time equivalent staff employed in licensed early childhood services in 1991, 1,435 hold a three year qualification, 2,645 are estimated to have some training and the remainder (920) are without training.

Government reviews of early childhood staffing and qualifications, property regulations and funding took place in 1991. These lead to a reduction in funding for under two year olds; early introduction of bulk funding for kindergartens; an easing of the regulations governing premises; a slight modification of staff/child ratios; a reduction in the required qualifications of staff; and the application of minimum standards to childcare services for the purposes of chartering.

Low-income families are eligible for childcare subsidies. Subsidies have been increased to maintain affordability for low-income families.

Grants are available to service providers from the Ministry of Education to assist with development and maintenance of facilities. A total of $3.1 million was distributed in grants in 1991 and a further $1 million has been added to assist in the development of chartered services meeting the needs of low-income users.

The Early Childhood Development Unit was established following the implementation of the Before Five policies. It works in the areas of parent support and community development, advice and support to funded playgroups and Pacific Islands language groups, advisory support for licensed and chartered early childhood services, in-service training and advice to Government.

There are a number of non-governmental organisations active in the early childhood area including the New Zealand Childcare Association (Te Tari Puna Ora o Aotearoa), Te Kohanga Reo Trust, Pacific Islands Early Childhood Association, New Zealand Playcentre Federation, New Zealand Kindergarten Union and the Combined Early Childhood Union of Aotearoa. Services these organisations provide include field-based and in-service training for their members and advocacy on issues of common interest.

Participation in Early Childhood Services

A census of children enrolled in early childhood services is undertaken each year by the Ministry of Education. This provides an indication of numbers of children attending early childhood services although it is likely that some children will be attending more than one service and those attending on a casual basis are not included. The following table gives the number of children on regular rolls at 1 July 1990 and 1 July 1991.

At 1 July 1991, 22,541 Maori children were on regular rolls. Of these, 46% were enrolled at Kohanga Reo. Maori children comprised 17.9% of total preschool enrolment.

Pacific Islands children comprised 5.5% of total enrolment. Of the 6,893 Pacific Islands children on regular rolls, 45% were in Pacific Islands language groups.

Out of School Care

Out of school care refers to the care of school age children, usually between the ages of five and 12 years, before school, after school, during school holidays and for some also during evenings and at weekends.

A 1990 survey by the Ministry of Education showed that approximately 30% of families with children aged five to 12 have them cared for by someone other than a parent or guardian out of school hours. Most are cared for by a relative. Only about 4% of children in this age group attend formal out of school care programmes. Two-parent families use formal out of school care at the same rate as sole parent families. Maori families are more likely to use informal out of school care (and less likely to use formal care) than non-Maori families.

Many families are using satisfactory free and informal care arrangements for their children. With

Children on Regular Rolls of Early Childhood Education Services as at 1 July 1990 and 1991

Type of Centre	1990 No of Centres	1990 No of Children	1991 No of Centres	1991 No of Children	Change
Kindergarten	575	43,792	578	44,363	1.3
Playcentres	621	22,668	606	21,578	(4.8)
Licensed Childcare Centres	662	29,786	741	35,127	18.0
Homebased Services	40	1,611	53	2,364	47.0
Pacific Islands Language Groups	126	2,729	160	3,274	20.0
Early Childhood Development Unit Funded Playgroups	192	5,565	266	7,331	31.7
Te Kohanga Reo	616	10,108	630	10,451	3.4
Preschool Classes at:					
State Primary Schools	29	676	29	582	(13.9)
Private Schools	22	466	19	271	(14.8)
Correspondence School	1	861	1	793	(8.0)
Total	**2,884**	**118,262**	**3,083**	**126,134**	**6.7**

Age Participation Rates in Early Childhood Services 1 July 1991

Age	Percentage of Age Group Enrolled in Preschool Service
Under 1 year	8.6
1–2 years	19.1
2–3 years	34.7
3–4 years	71.4
4–5 years	92.2
5 plus years	3.7

changing family structures and increasing participation of women in the paid workforce, it is unlikely that such arrangements are or will continue to be sufficient. The increasing usage of full day care for under five year olds provides evidence that, for those who can afford such care, there is strong labour market attachment. This is unlikely to decline once children reach school.

The lack of care for primary school age children was the reason given by 25% of parents surveyed by the Ministry of Education as to why they were prevented from undertaking any sort of job or training. Further, when parents were asked why they were not using out of school care, 21% stated that the cost was too much and 14% said that no services were available in their area.

Policy is under development to support or assist out of school care services or parents who may wish to use such services. No regulations or licensing structure exist for services and parents are largely meeting all of the costs of care.

Employer Assisted Childcare

During the reporting period a number of employers opened childcare centres or assisted their employees in some other way with childcare. The health and education sectors have the best provision of care for the children of their employees, although some of New Zealand's largest private companies, such as Fletcher Challenge Limited, have recently provided such assistance.

The Ministry of Women's Affairs in 1991 held a series of seminars for employers highlighting the benefits to them of assisting with childcare. The seminars also outlined a range of options available to employers ranging from provision of information on local childcare availability, flexible work hours, family leave provisions, purchasing places in existing childcare services, to opening their own centre.

Adequacy of Childcare Facilities

Whilst early childhood education is available in most urban areas and many rural areas in New Zealand, early childhood care is not necessarily readily available in rural areas.

In 1988, the Royal Commission on Social Policy concluded that 'the number of children requiring care outside the household, and the range of types of care required, are far greater than the number and range of childcare places presently provided by either the state or the market'. Progress has been made since that report.

ARTICLE 12
HEALTH

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure on a basis of equality of men and women, access to health care services, including those related to family planning.

(2) Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

GENERAL BACKGROUND

For the 50 year period, from the extension of the welfare state in the late 1930s until the late 1980s, New Zealand had a system of state funded public hospitals, free provision of most prescribed drugs, and subsidised visits to general practitioners and some other primary health practitioners. Public hospitals, including maternity hospitals, were established in rural as well as urban areas, so that medical care was available to everyone in all parts of New Zealand. In the main centres, public hospitals, including specialist obstetrics and gynaecology units, were established.

Ante-natal care and delivery was and still is provided free of charge if the pregnant woman elects to use the public health system, which most do. Assistance with infant care, either free or at minimal cost to users, has been provided since 1909 via the Royal New Zealand Plunket Society, an independent mother and child health care organisation which receives state funding. The Plunket Society provides screening and surveillance for children as well as parenting education and support. It also participates in research and policy making on maternal and infant health matters. The La Leche League promotes and advises on breastfeeding. The New Zealand Family Planning Association, was founded in the 1930s, and has provided a nationwide network of centres since the 1960s. It has had an increasingly important role in providing and promoting family planning, education, cervical and breast screening as well as contraceptive use. It receives some funding from Government.

Recent Health Reforms

In the late 1980s, a devolution of health administration from central to local levels occurred at a time of increasing constraints on government spending within the New Zealand economy, with the result that some of the new units of health administration – the area health boards – cut back on some hospital and ancillary services in order to stay within budget. The more recently announced reforms are based on the separation of the funder and provider of health services and will include the establishment of Regional Health Authorities (replacing the area health boards) which will buy and contract health services, fund primary and secondary care but not own hospitals. Big public hospitals and related services will be re-established along more businesslike lines as Crown Health Enterprises. Smaller communities will be given the opportunity to take over their hospitals and related services as community trusts.

User part-charges on prescribed medicines, including oral contraceptives, and on hospital services were imposed in the reporting period for middle and high income groups. Lower income people now receive increased subsidies for health care.

WOMEN'S HEALTH

Pressure for public health care providers to ensure an integrated, comprehensive and appropriate delivery of women's health care began to mount in New Zealand in the 1970s, following the establishment of independent women's primary health care initiatives. Women's health clinics and

services were opened in several towns and cities, and women's health groups campaigned on issues like access to abortion, the effects of the injectable contraceptive Depo-Provera and certain IUCDs, the quality of mammography and cervical cancer prevention and treatment, improved birth access and options, and increased representation in decision making.

Some of these campaigns did not bear fruit until the 1980s when women's health status began to be monitored and promoted by the Ministry of Women's Affairs, the Ministerial Advisory Committee on Women's Health and the Women's Health Policy Unit in the Department of Health. During the reporting period, the Department of Health funded a small number of well women's clinics. Since 1989, when funding was devolved to area health boards, these clinics have received no direct state funding.

A Women's Health Network to link women's health centres and groups was started in 1989 and continues to function. The Women's Health Committee established by the Board of Health in 1985 and funded by the Department of Health to advise on women's health policy published a report on its work in 1988. It was reconstituted as the Ministerial Advisory Committee on Women's Health in 1989.

Since the devolution to area health boards, a major role for government employees and advisers concerned with women's health has been to get women's health concerns understood and implemented at the local level. To this end the Ministry of Women's Affairs published in 1989 *Think Women's Health: A Checklist for Area Health Board Members*. The Department of Health published a number of reports on women's health, including *Cervical Screening Programme: A review of literature*, *Preventing Low Birth Weight and Preterm Birth* and *Exploring Women's Health Status*. A full list of health-related publications by the Ministry of Women's Affairs is provided in Appendix Two.

HEALTH INDICATORS

Life Expectancy

The trend for women to outnumber men by a growing margin is largely due to the ageing of the New Zealand population and the longer life expectancy of women. The average life expectancy for newborn non-Maori female and male children in 1985–87 was 77.4 years and 71.4 years respectively. The average life expectancy at birth for Maori females in 1985-87 was 72.3 years and for Maori males 67.4 years.

Female Mortality

The leading causes of death for women in New Zealand are, in descending order, circulatory system disease, cancer, respiratory system disease and accidents. This pattern has remained constant over the last 30 years.

Ischaemic heart disease is the leading specific cause of death in New Zealand, accounting for 23% of female deaths and 28% of male deaths in 1989. Death rates from heart disease for Maori women are higher than for non-Maori women, although Maori women's rates have dropped by 50% since 1968.

Cancer is New Zealand's second leading cause of death, accounting for 25% of female and 24% of male deaths in 1989. The three main fatal sites of cancer in New Zealand women are the breast, the colon and the lung. Maori women have a lower risk of developing cancer of the colon than non-Maori women, but are much more likely to die of cancer of the stomach and the lung. The lung cancer incidence rate for Maori women is 4.5 times higher than that of non-Maori women, related among other factors to the higher levels of cigarette smoking among Maori women.

Maternal deaths (those due to complications of pregnancy, childbirth and the immediate post-partum period) were very low during the reporting period, at less than 1 per 10,000 live births.

Infant Mortality

In 1989 the overall infant mortality rate was 10.3 per 1,000 live births.

Trends in life expectancy at birth since 1955 show that Maori survivorship has increased significantly over the past 35 years. Maori women have made the greatest gain, with an increase of almost ten years in their expectation of life over this period. The increase in Maori survivorship can be attributed largely to dramatic improvements in infant mortality since the Second World War, when the Maori infant death rate was over three times that for non-Maori babies.

In the period 1968-1987, neonatal death rates (under one month) fell by over 60% for both non-Maori and Maori. In 1987, the Maori rate for neonatal deaths was a new record low in New Zealand, at 3.9 per 1,000 live births, compared with the non-Maori rate of 4.3. Maori post-neonatal mortality rates (beyond the first month) fell by 32% between 1968 and 1987, but remained 54% higher than the non-Maori rate in 1987. In 1987, the post-neonatal mortality rate for Maori babies (11 per 1,000 live births) was more than three times the rate for New Zealand born Pacific Islands babies (3.6 per 1,000) and double that for babies of European and other origin (5.3 per

1,000). The major cause of post-neonatal deaths is sudden infant death syndrome (cot death).

Considerable research and educational activity regarding cot death has been undertaken in New Zealand during the reporting period, as this country has had one of the highest rates of cot death per capita in the world. Although the cause of the syndrome is still unknown, this research has established several factors which appear to relate to the incidence of cot death, including babies' sleeping position and temperature, parents' smoking behaviour and whether babies are breastfed. Efforts to control these factors appear to have resulted in a dramatic decline in cot deaths in Christchurch, which had 26 such deaths in the first half of 1989 and only three in the corresponding period of 1991.

Fertility Levels

Since the height of the post-war baby boom in the early 1960s, fertility levels in New Zealand have declined considerably. From 4.19 births per woman in 1962, the total fertility rate more than halved to 2.07 in 1978, and thereafter decreased to a historic low of 1.92 births per woman in 1983. Since then, there has been a slight upturn in fertility to 2.16 births per woman in 1990, which is just above replacement level (2.1 births per woman). Total live births increased steadily from 49,938 in 1982 to 60,153 in 1990, but dropped back slightly to 59,998 in 1991.

The substantial drop in fertility over the past 20 years is closely associated with the increasing postponement of marriage and the shift to a pattern of delayed childbearing. This is reflected in a trend towards births to women in their late 20s and early 30s. Whereas in 1972 45% of all childbearing took place at ages below 25 years, by 1989 the figure had fallen to below 32%.

A similar but more dramatic fertility decline occurred among Maori women, whose rate dropped from 6.2 births per woman in 1962 to an all-time low of 2.2 in 1988. Although Maori fertility levels are today close to non-Maori levels, the pattern of childbearing by age of the two ethnic groups contrasts sharply. Among Maori women, childbearing is much more heavily concentrated in the younger age groups than for non-Maori women. In 1989, for example, 33% of Maori fertility was accounted for by women aged 20-24, compared to less than 25% of fertility for all women. On the other hand, the fertility rates of Maori women in the 25-39 age groups are lower than those of women overall. Thus while the family sizes of Maori women are similar to those of all women, different fertility patterns are evident.

Despite the general trend towards delaying first births, teenage fertility is comparatively high in New Zealand. The overall fertility rate for under 20 year olds in 1990 was 34.4 per 1,000 females aged 15-19 inclusive. The Maori teenage fertility rate was 78.79 per 1,000 females aged 15-19 inclusive in 1990.

The number of nuptial births (i.e. children born to married couples) fell from 39,674 in 1990 to 38,625 in 1991, a decrease of 2.6%, while the number of children born to unmarried mothers (including those living in a de facto relationship), rose by 4.4%, from 20,479 to 21,373 during this period.

Hospital Admissions

Although New Zealand women are more likely to be admitted to hospital than men, most of the difference is accounted for by pregnancy and childbirth. When these are excluded female admission rates are about 3% above male rates. New Zealand women are most likely to be hospitalised to treat genito-urinary system diseases, followed by diseases of the circulatory system, the respiratory system, the digestive system and cancer. Women are less likely to be admitted as a result of accidents than men in every age group under 65 (men are more likely to have motor vehicle accidents). Over 65, women are more likely to have accidents, especially falls in the home, which lead to hospitalisation. Women are four times less likely than men to commit suicide or to die of alcohol-related causes. Women comprise 60% of people with disabilities in New Zealand, and are twice as likely as men to be severely handicapped.

Hysterectomy is the commonest major surgical operation performed on women. New Zealand has a relatively high hysterectomy rate internationally, ranking second only to North America. In 1988, the crude rate for New Zealand was 4.1 per 1,000 female population. Women aged 40-44 have the highest rate of hysterectomy. There has been a gradual decline in the rate of hysterectomy among non-Maori women over the past decade, while the rate among Maori women has risen slightly.

Women are less likely than men to enter psychiatric institutions, and the reasons for their admission differ from male reasons. In 1989, the four main causes for first admission of women were depressive disorders, stress and adjustment reactions, affective psychoses, and alcohol dependence and abuse. Maori women are admitted and readmitted to psychiatric institutions at a higher rate than non-Maori women.

Medical Training

The number of women training as doctors increased during the reporting period, so that now almost half of New Zealand medical students are women.

Of those, only a very small percentage are Maori women. It will take some time before half of all practising doctors, and particularly half of all specialists, are women. This is partly caused by the difficulties encountered by women with family responsibilities when undertaking the rigorous study and long hours of work required to achieve specialist medical qualifications.

PREGNANCY AND CHILDBIRTH

The implementation of the Nurses Amendment Act 1990 increased the choices of women and their families in pregnancy and childbirth services. It enabled a midwife and/or a medical practitioner to take responsibility for the care of a woman throughout her pregnancy, childbirth and post-natal period. Previously, only a medical practitioner could undertake responsibility for this.

Women now have the choice of service provider and birthing location with the availability of full support services if required. Independent midwives are paid the same fee for service as medical practitioners.

Pregnancy and childbirth services are available free of charge to all New Zealand women. Pregnancy and childbirth services are exempt from the user part-charges introduced as part of the recent health reforms.

CONTRACEPTION

New Zealanders make widespread use of contraception. Following its introduction in the 1960s, the oral contraceptive pill was used by a large proportion of women. Its initial popularity has since declined mainly due to concern about side effects although it is still the most favoured form of contraception. There is a trend towards more permanent forms of contraception such as sterilisation. Studies indicate that sterilisation has become the most common form of fertility control for older women and men, while for younger people oral contraceptives and condoms are more commonly used.

Intra-Uterine Contraceptive Devices (IUCDs) are the second favoured form of contraception although the numbers using them are relatively low at about 5-8% of fertile women. The Dalkon Shield and Copper 7 devices were withdrawn from the market in 1985, and the Lippes Loop is also no longer available. During 1987, a third IUCD, Gravigard, was withdrawn from use. The Dalkon Shield was subject to 300 claims by New Zealand women whose health had suffered as a result of its use, and these claims were recently settled. There are presently 250 claims outstanding against the manufacturer of the Copper 7 device.

New Zealand is one of the few developed countries to prescribe the injectable contraceptive Depo-Provera, but because of well-publicised concern about its safety it is used by very few women (about 1%).

A major provider of sexuality and reproductive health services in New Zealand is the New Zealand Family Planning Association (FPA), founded in 1936. During the 1980s, it received 50-60% of its funding from the Department of Health, and most of the rest from client fees which are lower than those of general practitioners. Its 1991-92 grant from Government was $4.59 million. The FPA has over a dozen branches covering the whole of New Zealand between 37 and 44 centres, including a mobile clinic in rural Northland.

Over 90% of the FPA's clients are women and, in addition to providing contraceptives and contraception information, the FPA offers other sexuality related services such as cervical smear taking, sexually transmitted disease testing and treatment, menopause clinics, and counselling. It has about 25 educators, mainly part-time, who are trained to teach teachers and pupils about healthy sexuality. In 1990, the Contraception, Sterilisation and Abortion Act 1977 was amended so that education in contraception to those over 16 was no longer illegal. This has facilitated the work of the FPA in sexuality and contraception education for young people.

The FPA runs workshops to train general practitioners in providing contraception, and offers training for medical students in doing 'patient-friendly' pelvic examinations.

In recognition of the different cultural approaches to sexuality and family planning in New Zealand, the FPA established in 1989 Te Puawai Tapu, the Maori Committee of the FPA. This committee has its own budget for developing a Maori approach to family planning. In 1989 and 1990 the FPA offered workshops on family planning in the Pacific Islands of Tonga, Palau, the Marshall Islands, and the Federated States of Micronesia. These workshops were intended to help these countries establish their own systems of family planning service and education. The FPA is an active participant in the International Planned Parenthood Federation, particularly in the Asia/Pacific region.

There is also the New Zealand Association of Natural Family Planning, a family planning organisation which teaches 'natural' family planning, i.e. family planning through recognising a woman's fertile period and avoiding intercourse at

that time. It received $309,000 from Government in 1991–92.

ABORTION

Legal access to abortion in New Zealand operates within the framework of the Crimes Act and the Contraception, Sterilisation and Abortion Act 1977. The two main criteria for abortion approval are serious damage to physical health and serious damage to mental health should the pregnancy be continued. In practice over 95% of New Zealand women receiving legal abortions do so under the mental health criterion which generally is broadly interpreted by doctors. Most of the women receiving abortions (55–60%) have never been married, and a slight majority (51–55%) have never had a child. In order to obtain an abortion a woman must have two certifying consultants approve legal grounds for the procedure. She may then have her abortion in a public abortion clinic, in a private clinic or a public hospital. All provide abortion counselling.

The main health risk posed by this method of providing abortions is the potential for delays in the certifying process when there is no certifying consultant or hospital or clinic offering the service in the immediate area. The number of abortions performed in New Zealand has increased from 8,079 in 1986 to 11,173 in 1990.

Maori and Non-Maori Abortion Rates 1985–1990*

	Maori	Non-Maori
1985	9.4	7.0
1986	10.9	7.8
1987	11.9	8.4
1988	12.1	9.7
1989	11.9	9.9
1990	14.2	10.6

* per 1,000 females aged 10–49 years. *Note:* non-Maori includes Pacific Islands women in New Zealand

CERVICAL CANCER

During the reporting period, cervical cancer screening became one of the most important women's health issues.

Some women's health groups claimed that at National Women's Hospital in Auckland over a 22 year period since the 1960s, women with abnormal cervical smears and carcinoma in situ were, without their consent, participating in an experiment to see whether non-treatment was as effective as treatment in preventing or delaying death from cervical cancer. It was alleged that the experiment was poorly designed, had little scientific value, and had resulted in considerable suffering among the women involved including, in some cases, invasive cancer and death. In 1987, the Government appointed Judge Silvia Cartwright to chair a Committee of Inquiry to investigate the allegations.

The Inquiry found that many of the allegations regarding patient mistreatment or non-treatment were justified, and women whose health had suffered as a result of their unknowing participation in the experiment received financial compensation shortly after the end of the reporting period. Strenuous effort has been made to locate all of the women involved in the experiment and to ensure that their ongoing medical treatment has been appropriate.

The report of the Inquiry, published in August 1988, highlighted problems women face as patients in the health system and recommended that a policy be developed for a national screening programme. In her report, Judge Cartwright said that 'the medical profession has failed in its basic duty to its patients', and the Inquiry has led to a strong demand for patient accountability in the medical system.

A national standard for ethics committees in hospitals was set down in 1988, and ethics committees have been established in all area health boards. A Patient Advocate was appointed at National Women's Hospital in 1989, and over 300 people sought the advocate's assistance during 1990. A Bill to establish the national position of Health Commissioner was introduced into Parliament in 1990, with the aim of strengthening health consumers' rights and setting up a health consumer advocacy service. The Bill has not yet been passed into law. The Department of Health published in 1991 *Principles and guidelines for informed choice and consent, for all health care providers and planners.*

Each year, about 100 New Zealand women die from cervical cancer and 200 women are diagnosed as having invasive cancer of the cervix. Maori women are nearly three times as likely to develop the disease as New Zealand European women, and Pacific Islands women, older women and low income women are especially at risk. Since the Inquiry, cervical screening pilot programmes have been trialled in two parts of the country, and a comprehensive nationwide cervical screening programme is being established. A national media campaign to promote cervical screening is currently running.

Priority groups for the national screening programme are women over 35 years and Maori and Pacific Islands women. Policy aims include a nationally coordinated and regionally implemented

programme to reduce the death rate from and incidence of cervical cancer; a reduction in the incidence of cervical cancer to fewer than 180 cases annually by the year 2000; and a three year cervical smear interval for women, a national register which will function as an information system for epidemiological data, as a mechanism for ensuring appropriate recall and follow up, and as a monitor of the quality of smear taking.

BREAST CANCER

The incidence of breast cancer is high in New Zealand compared to other countries. Approximately 1,300 new cases are diagnosed each year and there are over 600 deaths annually from the disease. The breast is a leading site of cancer among Maori women.

The Government has funded two pilot programmes to establish whether mammography screening can be effective in New Zealand. The programmes involve screening women aged 50–64 bi-annually, and will evaluate the effectiveness, efficiency and acceptability of mammography screening. The Cancer Society of New Zealand has funded an independent evaluation of these pilot programmes.

In 1991 the Ministry of Women's Affairs and the Cancer Society of New Zealand published a policy discussion paper exploring issues relating to breast cancer screening.

NEW BIRTH TECHNOLOGIES

During the reporting period, there was an increase in the sophistication and use of the 'new birth technologies' such as in-vitro fertilisation. Infertility treatment programmes and technologies are expensive, and public or free provision of them has not been a priority for area health boards. Most women electing to have this treatment must purchase it privately.

The ethical and legal constraints covering assisted reproduction are few. While hospital clinics have clear procedures covering donor sperm and insemination, private insemination is not subject to any such controls. Donor ova are increasingly being used in fertility treatment.

The question of surrogacy has already arisen in New Zealand. A few women are known to have contracted for payment to act as surrogate mothers during the reporting period. Consultation and debate is currently identifying those areas of assisted reproduction which ought to be left to voluntary self-regulation and those which require regulation or legislation.

The legal aspects of the new birth technologies are discussed further under Article 16.

AIDS

Since the first case of Aids was diagnosed in New Zealand in 1984, until the first quarter of 1991, there were 257 notified cases of Aids and 653 notifications of HIV positive tests. Seven (2.7%) of the 257 Aids cases were female, as were 33 (5.1%) of the HIV positive notifications. In 1991, there were 78 notifications of people with Aids of whom only three were female. Of the 111 people found to be HIV-positive in 1991, 97 were male and 14 female. A total of 85% of Aids cases in New Zealand came through homosexual/bisexual contact and 5% through heterosexual contact, with the remainder through blood transfusion and contact with contaminated needles.

The latest HIV and Aids statistics show only a small number of women affected. However, there is concern that women's low visibility in Aids programmes may be leading to their late diagnosis and poor prognosis.

In 1990 the Department of Health published a brochure on *Women in the Aids puzzle* and the National People Living With Aids Union made women and Aids the focus of Issue 12 of its journal *Collective Thinking*. In 1991, Aids Week focused on women and Aids.

Most preventive and educational work with women has been done by non-governmental organisations such as the Prostitutes Collective, which is in contact with women at risk and heavily promotes the use of condoms and other safe sex and drug-taking practices. This was discussed under Article 6.

DRUG USE

A major survey in 1990 found that alcohol is the most commonly used drug in New Zealand. Women drink less than men in all age groups, are less likely to get drunk and report fewer problems with alcohol than men, matching the male rate of reported alcohol problems (20%) only in the 18-19 age group. For both sexes drunkenness and problems with alcohol decrease with age. However, the rate of female admissions to psychiatric hospitals as a result of alcohol-related problems is increasing relative to other reasons for admission.

Tobacco is the second most commonly used drug. While men in the older age groups smoke more than women, the group with the highest proportion using tobacco (25%) is now 18-19 year old women. A high proportion of young Maori women smoke,

and Maori women have a very high death rate from lung cancer as discussed earlier.

Non-medical use of legal drugs such as tranquillisers and barbiturates is higher in men and young people, whereas their medical use is higher in older people and women.

FEMALE CIRCUMCISION

The two major ethnic groups in New Zealand (European and Maori) have never practised female circumcision, and neither have the main minority ethnic groups (Pacific Islands, Chinese, Indians). So far as it is known, the practice does not occur in New Zealand.

VIOLENCE AGAINST WOMEN

Violence continues to be one of the major problems faced by women in New Zealand.

Sexual Violation

Convictions in trial courts for sexual violation doubled between 1986 and 1990:

Trial Court Convictions for Sexual Violation 1986–1990

1986	106
1987	173
1988	146
1989	205
1990	209

Sexual violations which lead to conviction are estimated to represent as little as 5% of all violent sex offenses in New Zealand, so it is impossible to tell whether the rise in convictions represents an absolute rise in the number of offenses or merely an increase in successful prosecutions.

Domestic Violence

Apart from the protection against assault afforded to all citizens under the Crimes Act 1961 there is also the Domestic Protection Act 1982, which is intended to provide greater protection for the victims of domestic assault. Under this Act, a married or de facto partner who is being violently abused may apply for non-violence or non-molestation orders. The former applies when the parties are still living together, the latter requires the abuser to stay away from the victim and the victim's home. On 1 December 1991 a change to the Crimes Act and the Summary Proceedings Act 1957 came into force making bail more difficult to obtain for violent offenders.

Non-molestation orders can be enforced by police action if necessary, and police have always had the right to intervene in domestic disputes and charge the abuser with assault. The main difficulty in getting redress for women in this area in the past was police and community perceptions that domestic assaults are not as real or important as other forms of assault. From 1987, the New Zealand Police have taken a more 'pro-active' approach to domestic assault, and now make arrests if they find evidence of abuse occurring regardless of whether there is a complaint laid by the victim or not. They then gather their own evidence for prosecution without resort to the victim unless a prosecution seems likely to fail without such assistance.

Victims may still lay their own complaints where police are not willing or able to do so. Since it became police practice to charge abusive partners when they are called out to domestic disputes it has been found that 80% of those charged plead guilty before the matter comes to trial. Whereas the most common punishment for domestic assault used to be a fine, it is now more likely to be probation, periodic detention, or jail.

Compensation for the victims of domestic assault has been available through the Accident Compensation Corporation (ACC) which covered injury by assault, including emotional as well as physical assault. It also covers cases where assaults are not reported to the police, and consists of payment for treatments such as counselling, dentistry or physiotherapy, compensation for loss of earnings and expenses incurred as a result of the assault or dealing with the aftermath of the assault, such as transport costs, home help and care, replacement of damaged personal effects, and lump sum payments.

Violence Prevention

The New Zealand legislative framework makes a firm statement about the unacceptability of violence against women, but it cannot cure or prevent such violence. An important activity of organisations concerned about violence during the reporting period has been to strengthen the links between themselves, and between themselves and the community. In 1986 the Family Violence Prevention Co-ordinating Committee (FVPCC) was established to formally link existing groups. The main non-government groups affiliated to FVPCC are the National Collective of Independent Women's Refuges, the National Collective of Rape Crisis and Related Groups of Aotearoa, the National Men for Non-Violence Network, Te Kakano o te Whanau (Maori sexual abuse service), Runanga Tane (Maori men's non-violence movement), the New Zealand Child Abuse

Prevention Society, Parentline, Parent Help, Childhelp Line and the Pacific Islands Women's Project Aotearoa.

The trend in violence protection and prevention services in New Zealand has been to tailor the service to the clients' needs. This has meant providing services which deal with particular forms of violence (e.g. rape, domestic assault, child abuse and incest) and offering services separately for men and women, and for Maori, European and Pacific Islands people. This means that the particular and distinctive life experiences and culture of clients can be taken into account in delivering services. In most cases, this variety of services has been achieved by the process of 'parallel development', with Maori women's refuges developing in cooperation with and parallel to refuges established by non-Maori women, for example. Similarly, Runanga Tane deals with violence prevention among Maori men in a parallel way to the work among non-Maori men of the National Men for Non-Violence Network. The women's organisations offer services to victims; the men's organisations offer services to abusers to help them change their behaviour.

Most of the anti-violence agencies receive government financial assistance at varying levels. Only FVPCC is fully government-funded, from the Department of Social Welfare and the Accident Compensation Corporation. Refuges, rape crisis centres and other organisations also receive funding from other sources, such as donations and grants from private individuals and foundations and/or payments from clients.

Women's Refuges

The largest violence protection provider in New Zealand is the women's refuge movement, which by 1991 consisted of a chain of 57 refuges throughout the country. Most refuges are large family homes provided by the Housing Corporation, capable of housing several women and their children at a time. Funds to cover operational expenses are covered by the Department of Social Welfare and whatever the refuges can raise themselves. Their addresses are kept secret, so that women using them are safe from detection and molestation by their abusers. They are staffed by paid and volunteer workers.

The usage of refuges increased by over 20% a year during the past three years. Every week in 1990 2,000 beds were occupied in refuges and 128 children were admitted with their mothers. Of these children more than half were under five years old and they stayed for an average of four weeks.

In relation to proportion of population, Maori women are more likely to use refuge services than non-Maori women; in the year to June 1991 Maori women represented 47.8% of admissions to refuges. The National Collective of Women's Refuges considers that these statistics reflect the refuges' promotion of a policy of parallel development. A total of 43.2% of refuge advocates are Maori, which is consistent with the Collective's policy to match advocates with clients.

Sexual Abuse Counselling

Sexual abuse counselling is currently provided through Help Centres and sexual abuse centres. Some rape crisis centres also provide sexual abuse counselling. The purpose of the counselling is to help people to re-establish their lives, and to avoid the common trend for sexual abuse survivors to get into crime, drug abuse, suicide, relationship problems, and psychiatric institutions.

The demand for these services is very strong. There are average waiting times for appointments of two weeks for urgent cases and three months for non-urgent cases. The funding and resources available for these services do not currently meet the demand.

Te Kakano o te Whanau is a nationwide Maori organisation, established in 1984, providing services for Maori women who are victims of incest, rape, sexual abuse and related violence. In the year to June 1991, the total number of cases dealt with by Te Kakano was 2,874.

A positive trend which has been noted generally by helping agencies such as Te Kakano and women's refuge is that Maori women who are victims of violence are becoming much more aware of the support available to them from community organisations and as a result they are seeking assistance rather than ignoring the problem of violence which confronts them. There is an emphasis on building a strong cultural identity and on assertiveness training for Maori women in violent relationships.

Victims Support

In addition to providing accommodation, counselling, personal support and other services to victims, the anti-violence agencies engage in research and education. In 1988 FVPCC released *Attitudes to family violence: A study across cultures*. In 1988/89 it ran a *Reach out* media campaign, with anti-violence messages aimed at male and female audiences, and distributed 260,000 copies of its booklet *Reach out*. In 1988, the National Collective of Independent Women's Refuges published the second edition of *Fresh start: A self help book for New Zealand women in abusive relationships*, and in 1991 released *Treasure the child: children living without violence*, which documents the use of refuges by children and their care while in refuges.

Sexual Harassment

Since the early 1980s New Zealand trade unions have conduct campaigns against sexual harassment in the workplace. Most of the 'female-intensive' unions either negotiated into their awards and agreements procedures to be followed in the event of sexual harassment, or came to a de facto understanding with employers that they would and could successfully represent workers complaining of sexual harassment and win compensation from the then Labour Court if the employer did not settle the matter satisfactorily before then. Publicity campaigns on the prevalence and unacceptability of sexual harassment were and still are conducted in union media, with employees being informed of their rights. Union staff and delegates are trained in dealing with cases of sexual harassment.

The Employment Contracts Act 1991 provides that every employment contract must include procedures to deal with personal grievances and disputes. It includes sexual harassment as a ground for a personal grievance. If a sexual harassment grievance is unable to be resolved between the employee and employer, either can apply to the Employment Tribunal for resolution by way of mediation or adjudication. There is recourse for appeal against the Tribunal's decision to the Employment Court.

In some cases, employees may be entitled to make a complaint under the Human Rights Commission Act 1977. The Human Rights Commission has dealt with sexual harassment from the early 1980s, and complaints on this matter are a significant part of the workload, comprising about 20% of all complaints per annum. The Commission recently published *Sexual harassment in the workplace*, setting out guidelines for employees and employers. Commission staff conduct training sessions on sexual harassment awareness and procedures in both the public and private sectors.

Where an employee is affected by sexual harassment, she must decide whether to make a complaint to the Human Rights Commission or use the personal grievance procedures under the Employment Contracts Act; employees cannot use both avenues.

Self Defence

Self-defence courses for women continued to flourish during the reporting period. The YWCA (Young Women's Christian Association) was a prime provider of self-defence courses especially developed in New Zealand. It will be trialling self-defence courses in schools in the first part of 1992. Educational institutions and women's organisations also offer self-defence courses. Primary schools, in conjunction with the police, offered Keeping Safe programmes aimed at teaching children the difference between acceptable and non-acceptable touching, how to avoid danger and where to go for help.

ARTICLE 13
ECONOMIC AND SOCIAL LIFE

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) the right of family benefits;

(b) the right to bank loans, mortgages and other forms of financial credit; and

(c) the right to participate in recreational activities, sports and all aspects of cultural life.

FAMILY BENEFITS

In 1991, a small universal benefit paid to the primary carers of children aged up to 16, or 18 years if they are in full-time education, was abolished and replaced by an increase in the level of targeted family support payable to low-income families.

An increasing number of social assistance policies are being targeted on the basis of couple or family income. A new policy on health charges, for example, has been introduced with a three step part-charge regime which relates to family income. Policies do not discriminate on the basis of gender.

The Domestic Purposes Benefit for sole parents and their children continued to be available. In 1991, the rate of this benefit was reduced by 11-13%, and it is no longer available to those under 18 years of age (although depending on the circumstances an emergency maintenance allowance may be available). The impact of this, particularly on Maori women, is discussed under Article 11.

LOANS, MORTGAGES AND CREDIT

Legally, women in New Zealand have equal access with men to loans, mortgages and credit. They do not need the consent of their husbands or another male to obtain credit. The Human Rights Commission Act 1977 covers equal availability of loan finance to women. During the reporting period there was a small number of complaints in this area received by the Human Rights Commission, amounting to less than 20 per year for each year.

When women do face difficulties obtaining credit, it is often because of a lack of recorded credit worthiness. Women who have spent time caring for children may not have had investments or tried to obtain credit in their own name.

The difference between legal rights and social attitudes began to manifest itself in quite a different way towards the end of the reporting period, with reports of some women being pressured by their spouses or sons to stand guarantor for debts contracted by them. When the men defaulted on these debts, women were left liable for money owing on items they neither wanted nor needed. This problem had become of such concern by 1991 that the Community Law Centres organised Women's Debt Survival Week to focus on educating women about debt.

Maori women are less likely than non-Maori women to seek mortgage finance because of their lower income levels. The 1986 census statistics show that 49% of Maori women are likely to live in rental properties. This proportion is almost two and a half times higher than that for non-Maori women, only 20% of whom were living in rented housing at that time.

A survey of the housing experiences of Maori women, undertaken by the Maori Women's Housing Research Project in 1990, revealed that few Maori women have experience of raising a home mortgage on the private finance market, as their generally lower incomes may preclude saving for a deposit and servicing the ongoing mortgage payments. Many Maori families receive housing finance from the state-funded Housing Corporation and, until the end of 1991, from the Department of Maori Affairs and the Iwi Transition Agency.

A survey of Maori businesswomen and banking, undertaken for the Ministry of Women's Affairs in 1990, showed that there was a considerable lack of understanding between lending institutions and Maori businesswomen of each others' needs and requirements. The women often did not appreciate the banks' sole concern with cashflow and borrowers' ability to repay, and bankers often displayed negative attitudes towards prospective borrowers who did not provide the 'correct' information. It was found that Maori lending institutions and agencies did not necessarily provide better financial services to Maori businesswomen.

In 1991, Te Ohu Whakatupu, the Maori Policy Unit of the Ministry of Women's Affairs, published *Maori women as borrowers: guidelines for you and your business*, covering all aspects of initial business planning and information on how to approach lending institutions. A resource kit for Maori businesswomen, *Maori women: steps to enterprise* has also been distributed by Te Ohu Whakatupu, and further publications in this area are planned.

The Maori Women's Development Fund has been established under the auspices of the Maori Women's Welfare League, to provide an alternative source of venture finance for Maori businesswomen. Further initiatives to assist Maori businesswomen are discussed under Article 4.

RECREATION, SPORT AND CULTURE

In 1987 the Hillary Commission for Recreation and Sport was established. It is the government body charged with encouraging community health and welfare through physical activity. One of the first tasks of the Hillary Commission was to gather information on the health and activity patterns of New Zealanders, and in 1989 it began a survey of 11,000 randomly selected people to investigate their activity and diet patterns. A report on this survey was published in 1990 and contains the most comprehensive information yet available on the differences between the sport and recreation activities of men and women in New Zealand.

Physical Activity

The survey showed that women undertake physical activity which is less vigorous than that done by men. A total of 32% of males and 24% of females get the quantity and quality of exercise necessary for aerobic fitness, whereas over 40% of women and less than 40% of men engaged in moderate physical activity. Most of the difference was due to doing housework, done by 93% of women but only 59% of men. Vigorous activity for both sexes declined with age.

Until the age of 11, boys and girls were equally active, but male activity increased slightly after age 11 (by 2%) and female activity decreased (by 10%). There was a marked difference in girls' and boys' preferred physical activities: girls favour dancing, horseriding and netball, while boys prefer cricket, rugby union, skateboarding and soccer. The physical education syllabus in schools is further discussed under Article 10.

Women were less likely to run or jog than men (27% female, 41% male) but more likely to swim (29% female, 26% male). Walking was equally popular with both sexes. Women were more likely than men to do fitness exercises at home, or go to a fitness class, and were more likely than men to exercise alone. Involvement in physical recreation varied by sex and by age. The three most popular activities for women were swimming, cycling and aerobics, and for men swimming, snooker/pool and cycling. Young men (under 18) play rugby and tennis as well, and young women play tennis. Older men and women play golf and lawn bowls.

Leisure Activities

The survey showed that New Zealand males and females enjoy the same top five leisure activities: reading, watching TV/videos, visiting friends/family, listening to music and gardening. Females are significantly more likely to read, visit friends and garden than males, and less likely to watch TV/videos. Men spend more on their leisure activities than women, with the biggest expenditure area for both sexes being equipment, followed by travel and clothing/footwear. The most popular leisure facilities for women are shopping centres, restaurants, and libraries. Men are more likely to prefer clubs, followed by beaches/rivers. A total of 58% of males belong to a recreation or sports club compared to 38% of females.

Voluntary Work

Men and women are almost equally likely to do voluntary work (women 31%, men 29%), but they participate at different ages. Males are more likely to do their voluntary work for sports groups, service clubs and social groups; females for educational groups, recreational groups, welfare organisations and community groups. This aspect of women's activities is also discussed under Article 11.

Discrimination in Sport, Leisure and Cultural Activities

Formal discrimination against women in the area of cultural activities (arts, literature, music, etc) does not occur in New Zealand, and informal discrimination has decreased as a result of vigorous feminist campaigns to promote women's art, writing, music, etc. The way in which the arts are

organised, primarily as individual (writing, painting) or cooperative (theatre, music) endeavours, makes discrimination more difficult and organising to promote women's work easier.

In sport the situation is different, because sport is organised through a club system. The clubs are considered to be private and are outside the aegis of the Human Rights Commission Act. They are therefore free to exclude women from their activities. However, this no longer occurs in most non-contact sporting codes such as mountaineering, horseriding, yachting, golf, and lawn bowls.

Some codes, e.g. rugby, soccer, netball have traditionally been male or female only. This has diminished in the last decade, with women playing soccer and rugby and some men playing netball. At junior level (under 12) girls play in mixed football teams, but at senior level the teams are single sex only (see also Article 10).

During the reporting period, there was pressure for more television coverage of women's sports. While parity in this area has not yet been achieved, with male rugby and cricket dominating television coverage, the time given to women's netball has increased, and the 1991 international test series, held in New Zealand, was watched by a capacity local television audience.

The main concern of recreation and sport professionals who want to promote women's participation in these activities has been to arrest the decrease in female activity after age 11, detected by the Hillary Commission survey, and to increase the range of sports/recreational activities open to women. A taskforce on women in recreation and sport was convened by the Hillary Commission during the reporting period to address these and related issues. The Taskforce prepared and published a *National Policy for Women in Physical Recreation and Sport.*

ARTICLE 14
RURAL WOMEN

(1) States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the present Convention to women in rural areas.

(2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

(a) to participate in the elaboration and implementation of development planning at all levels;

(b) to have access to adequate health care facilities, including information, counselling and services in family planning;

(c) to benefit directly from social security programmes;

(d) to obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) to organise self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) to participate in all community activities;

(g) to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes; and

(h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

BACKGROUND

About 16% of New Zealand's population and about 19% of the Maori population lived in rural areas in 1986.

Rural women continue to constitute only a small percentage (around 14%) of the total female population, and this includes women living in rural settlements as well as those living on farms. (The term 'rural' is defined as those areas outside centres of population of 1000 or more people.)

New Zealand rural women have traditionally been well organised, with the Country Women's Institute cementing social bonds; the Women's Division Federated Farmers (WDFF) acting as a lobby group both within Federated Farmers (the major association of New Zealand farmers) and between farming women and the rest of society; and since 1980 with the development of Women in Agriculture (WAG), a support network for women moving into non-traditional roles and employment in agriculture. The newsletter of Women in Agriculture, *WAgMag*, was funded by the Ministry of Women's Affairs from 1985 to 1991, and is now produced by rural women themselves.

A Rural Affairs Unit was established in 1991 as part of the Ministry of Agriculture and Fisheries. It aims to provide policy advice to Government on issues affecting rural people, to ensure that rural communities have access to basic services, to ensure that rural people are informed about government policies and programmes, and to monitor issues of significance to rural communities. In February 1992, the unit manager was a woman.

ACTIVITIES OF RURAL WOMEN

A 1989 survey by rural women's organisations showed that:

- women who live on farms do 80% of the household duties;
- 60% of farms have only family labour, 40% of farms have one unpaid farm worker (usually paid in kind with housing, food etc) and 70% have no paid employees;
- 80% of farm women work with the stock but most do not decide what will be done or how it will be done;
- only 30% of farm women regard themselves as farmers; almost half regard themselves primarily as homemakers, but are expected to assist on the farm as required and at short notice, usually for no pay; and
- 40% of farm women work in paid employment off the farm, and 30% believe that this is essential to supplement farm income. Women are more likely to work off the farm than men, but are constrained by a lack of job opportunities in rural areas and high travel costs. A number of farm women have taken up paid employment in towns and return to the farm only at weekends.

PARTICIPATION

Since the last report there has been no significant increase in women involved in rural local government where women are still under-represented. The marketing of New Zealand primary produce is conducted by seven producer boards but women sit on only one of these. One woman became a director of a dairy company during the reporting period and there is one meat company with a woman on its board. In December 1991, of the 29 statutory boards and committees dealing with rural and primary production issues women were represented on eight. Only three rural women have joined the directorships of other Crown agencies and state-owned enterprises.

ACCESS TO HEALTH CARE

Access to health care is more difficult for rural women, especially with centralisation of hospital and other services. Family planning and health specialist or counselling services are generally not available locally, and rural women must travel to the nearest city or large town for this aspect of health care.

The Department of Health administers programmes aimed at ensuring availability of primary health care in rural areas. These include financial and other incentives to attract general practitioners to rural areas, the designation of some areas as Special Medical Health Areas whose inhabitants receive free medical care and drugs, and the establishment of Community Health Trusts providing a nurse practitioner service in areas without a general practitioner. Recent health reforms have meant that only one area, in the far north of New Zealand, is currently designated as a Special Medical Health Area.

Maternity services in small towns and rural areas have been scaled down during the reporting period, and rural women now have fewer options in this area compared to urban women. Birthing units in rural areas may open only for a few hours for the delivery and then the mother and baby must go home unless there are complications justifying transfer to an urban hospital. The travel and other costs associated with home birth can be very high, and a review of maternity benefits is currently being undertaken to clarify assistance for women in this area.

Although there are considerably fewer older women in rural compared with urban areas, there is a growing number of elderly rural women living alone. A lack of services, such as public transport, meals-on-wheels and home support, can lead to isolation and this is an area of concern to rural women's organisations.

SOCIAL SECURITY

Rural women have the same access to social welfare programmes as urban women. In 1986, social welfare payments were made to slightly more women from rural and minor urban areas than to women from major urban areas. This may relate to the higher number of women over age 60 and receiving national superannuation who live in minor urban areas.

TRAINING AND EDUCATION

Women living on farms have fewer educational and vocational qualifications than their urban counterparts, but they are more likely than rural men to have had post-compulsory education. In the 1989 survey, 43% of women living on farms were found to be educated above the level of the School Certificate qualification, compared with 35% of men.

New Zealand has well-established rural education facilities which are equally available to women and men. Beyond the post-compulsory level (at age 16) the main barriers to female participation in continuing education have been the time and travel costs.

The proportion of Women among those Involved in Primary Sector Training and Education in 1989 were:

Education	Total Number of Students	% Female
Level 3: Vocational Continuing Education Trade Certificates in Farm Management, Farming/Dairying, Horticulture/Gardening	535	24
Other Level 3: Agriculture, Animal and Plant Science, Commercial Horticulture, Crop Technology, Horticulture, Horticultural Management Stock and Station Agents	926	36
Level 5: Advanced Trade Certificate in Farm Management	166	13
Other Level 5: Horticulture, Horticultural Management, Certificate in Farm Management	482	35
Level 8 Pre-vocational: Horticulture-Amenity, Horticulture Skills, Viticulture, Land Skills	50	32
Level 9 Non-formal: Animal Husbandry, Farming/Dairying, Horsebreaking/Horsemanship, Horticulture and Gardening	236	47
Post-graduate: Masters, Bachelors Honours, Postgraduate Diplomas in Agricultural Economics, Agricultural Science, Horticultural Science, Dairy Science and Technology, Rural Studies	398	34
Undergraduate: Bachelors, Undergraduate Diplomas in Agriculture, Agricultural Economics, Agricultural Science, Horticulture, Horticultural Science, Dairy Technology, Environmental Agricultural Studies, Farm Management, Horticulture, Horticultural Management	1,258	27

Women represent around one third of students training in the areas of agriculture, horticulture, farm management, dairying and other rural vocational skills.

It is only in the non-formal sector, which carries no career or income advantage, that women approach 50% of trainees.

With on-the-job-training, which for school leavers is organised through a farm cadet system, there is a tendency to favour male cadets, especially on sheep, beef and crop farms. Young women are better represented on equine and orchard/vegetable enterprises, and are more positively regarded by these farmers.

COOPERATIVES AND COMMUNITY ACTIVITIES

In a time of rural economic restructuring, rural women have been more active than rural men in pursuing cooperative employment ventures, for example in the production and sale of crafts and plants. Employment for women without any skills remains a problem. Labour-only contracting is still a mainly male preserve in the New Zealand countryside, as it requires skills (e.g. shearing sheep) which women generally have yet to acquire. However, the participation of women in agricultural contracting increased from 5% to 24% between 1951 and 1986.

As its contribution to the centenary of women's suffrage in New Zealand in 1993, the Ministry of Agriculture and Fisheries is funding research on the contribution of women to the rural economy.

Participation in community activities in the New Zealand countryside has tended to be along sex-stereotyped lines, with the men providing their physical labour and the women contributing their domestic skills. Rural community activities are declining as more farm dwellers work and play away from the farm and the local community.

Public recognition and support for women involved in farming and rural community activities is small. Farming awards are now generally given to both husband and wife but the male partner receives the higher public profile. The two most lucrative and prestigious rural scholarships available in New Zealand are restricted to those under 40 years, a barrier for women who may have family responsibilities until this age.

Maori women in rural areas have responded to the economic downturn and restructuring by undertaking services to assist rural Maori and their families. Health and resource centres have been established, including a revival of traditional Maori health care practices and medicines. Rural Maori women have, like their urban counterparts, been at the forefront of the Kohanga Reo movement to provide early education in language and culture to Maori children, and are active in marae-based culture and social activities.

The Ministry of Agriculture and Fisheries is currently sponsoring research on the effectiveness of government programmes for rural Maori.

FARM OWNERSHIP

Less than 5% of farms are owned by women with sole title. Most of these come through inheritance

as a widow or daughter rather than by independent purchase; lenders report very few instances of women buying farming land on their own account. There is a trend towards including women on the title of farming properties, but this is more likely to happen where the woman is younger (under 50) and on a smaller unit (especially share milking, orcharding, mixed farm) rather than a larger sheep or beef farm. The female joint ownership trend is mainly the result of changes to income tax law which no longer presents barriers regarding transfer of property to spouses. Such a transfer may therefore not always represent a genuine desire for the woman to participate in farm management and control. However, women with title are more likely to be participating in running the farm and managing its finances, although this is not always the case. Attitudes among financiers are slowly changing, and most now expect to discuss farm finances with both partners, or even the woman alone.

In practice, oldest sons continue to be given first choice of inheriting a family farm, although daughters may now be considered, especially in all-girl families. On the breakup of a marriage which has lasted three years or more the Matrimonial Property Act 1976 gives women the legal right to an equal share in the property and funds of the marriage. However, where significant property is involved (as it often is on farms), the woman's right to half the farm is frequently contested at law. Despite this, there have been cases where farming women whose marriages have been dissolved are in better financial circumstances than those whose husbands have died. This inequity is of concern to rural women's organisations. This area is discussed further under Article 16.

LIVING CONDITIONS

Women living on farms which they jointly own and/or work on are generally well-housed and serviced, although some rural rental housing may not be of such a high standard. Lack of public transport, childcare, doctors and other services are creating new pressures on local volunteer helper groups, such as the WDFF Homecare Scheme.

The living conditions of Maori women were surveyed by the Maori Women's Housing Research Project in 1990. The Project noted that many Maori families, particularly in rural areas are living in substandard dwellings. State-owned rental housing is generally not available in isolated rural areas, and a number of these areas which contain significant numbers of Maori have been identified as areas of serious housing need.

ARTICLE 15
EQUALITY BEFORE THE LAW

(1) States Parties shall accord to women equality with men before the law.

(2) States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

(3) States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

(4) States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

WOMEN'S LEGAL STATUS

New Zealand law accords to women equality with men before the law. The provisions of the criminal law as laid down in the Crimes Act 1961 are the same in respect of men and women except where necessary in sexual offenses. The range of punishments and sentences provided in the statutes for criminal offenses are the same for men and women. Women are always competent to give evidence in a court. Neither spouse is compelled to give evidence against the other.

Women and men are eligible to serve on juries except where they are mentally disordered, blind, deaf or have any other physical disability which makes them incapable of serving. Women are eligible to qualify and practise as lawyers. In March 1992, there were 6,069 lawyers holding practising certificates and 1,345 (22%) of those were women. However, about 50% of university students now studying law are women. There are other women with legal qualifications who may be working in government or industry who do not hold practising certificates. Women did not begin to enter the legal profession in any significant numbers until the late 1970s; it is partly as a consequence of this that there are currently no women judges in the Court of Appeal or the High Court. There is one woman appointed as a Master in the High Court and the Chief District Court Judge is a woman. Out of 100 District or lower Court judges, 12 are women.

CIVIL LAW AND CONTRACTS

Women have an identical legal capacity to that of men in all civil matters. The Matrimonial Property Act 1976 provides that the rights, privileges, powers, capacities, duties and liabilities of a married woman shall, for all the purposes of the law, be the same as those of a married man.

Civil legal aid is available to low-income earners with small capital resources under the Legal Services Act 1991. More women have been granted legal aid than men. Most civil legal aid has been granted for Family Court proceedings, and more women than men qualify for legal aid as a consequence of their lower incomes.

RESTRICTION OF WOMEN'S LEGAL CAPACITY

As already discussed in Part One, the Human Rights Commission Act 1977 outlaws

discrimination in relation to employment, access by the public to places, vehicles and facilities, provision of goods and services, and provision of land, housing and other accommodation, and also discrimination in education establishments. The Act therefore covers many situations where women will be involved in a contractual capacity. There are still situations such as in the charters of some private clubs where women can be excluded or have a reduced role in accordance with the rules or practices of the club.

MOVEMENT AND DOMICILE

Men and women have the same rights to citizenship by birth, by marriage and by descent under the Citizenship Act 1977.

Under the Domicile Act 1976, the domicile of a married women is ascertained as if she were not married and, if she is a minor, as if she were an adult. Every person is capable of having an independent domicile after they have reached the age of 16.

ARTICLE 16
MARRIAGE AND FAMILY LAW

(1) States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) the same right to enter into marriage;

(b) the same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) the same rights and responsibilities during marriage and at its dissolution;

(d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) the same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) the same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of children shall be paramount;

(g) the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; and

(h) the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

(2) The betrothal and marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

ENTRY INTO MARRIAGE

Women and men have the same right to enter into marriage. The choice of a marriage partner is an individual matter for women and men. The Family Proceedings Act 1980 provides that a marriage concluded without the free consent of each spouse is void. Absence of consent to marriage has always been a ground for voiding a marriage at common law in New Zealand and was incorporated into statute law in 1953. Polygamy is not permitted by law and is not practised.

RIGHTS AND RESPONSIBILITIES

Each spouse is entitled to own and hold property in her or his own right during marriage and to deal with it as she or he wishes. If the parties separate or one party is dissipating the matrimonial property, either party may apply to the Court under the Matrimonial Property Act 1976 for determination of the rights of the wife and husband to the property which each party owns.

Each spouse has an obligation to maintain the other to the extent that such maintenance is necessary to meet the reasonable needs of the other party where the other party cannot practicably meet the whole or any part of those needs because of the effects of the marriage itself, such as the division of functions within the marriage including child custody. During marriage the claimant's mental or physical disability and inability to obtain employment are also taken into account.

After a marriage has been dissolved maintenance obligations continue between spouses in a more limited range of circumstances and for a limited period of time. Once a marriage is dissolved, each spouse must assume responsibility for meeting his or her own needs within a reasonable time. The court may require maintenance to continue for a longer period having regard to the ages of the husband and wife and the duration of the marriage.

All persons pay income tax in New Zealand as individuals; incomes of spouses are not aggregated for income tax purposes.

There is only one ground for dissolution of marriage. The couple must be living apart and have done so for two years before an application for dissolution is made. The application can be made by either spouse or by both together. The number of dissolutions of marriage has increased markedly in recent decades. In 1991, a total of 9,140 dissolution orders were granted by the Family Courts, representing a rate of 12.28 per 1,000 married women. A total of 52% of these dissolutions ended marriages involving children. Of all couples who married in 1981, about one in six had divorced before their tenth wedding anniversary, compared to one in 10 of those married in 1971.

The law and situation of women regarding domestic violence is discussed under Article 12.

PARENTAL RIGHTS AND RESPONSIBILITIES

There is no difference in legal status between children born outside marriage and those born within it (Status of Children Act 1969).

Where a child is born to a married woman, either the woman or her husband may register the birth. Where the parents are unmarried the father's name can be put on the birth certificate only with the consent of the mother. If the father applies to the court and proves his paternity under the Status of Children Act 1969, then his name will be entered on the birth certificate despite any opposition from the mother.

Where parents are married to each other, both are guardians of their children and both parents are entitled to custody (physical care and control) of their children. Guardianship covers the rights to control the upbringing of a child and is not lost merely because the parents separate.

Parents who are not married to each other but living together when a child is born will both have guardianship and custody rights.

Where parents are not married or living together when their child is born, the father will not automatically have guardianship rights but he can apply to the court to be appointed a guardian.

If parents separate, each can apply for custody of children. Under the Guardianship Act 1968, the welfare of the child is paramount in custody decisions. A parent who does not have custody may apply for access or visiting rights. After separation, the Family Court encourages both parents to have a continuing relationship with their child; joint care arrangements or custody and access arrangements whereby each parent spends at least several days a month with the child or children are common.

Parents have obligations to maintain their children regardless of the parents' marital relationship or whether or not the parents are guardians of their children. Child maintenance provisions in law are covered by the Child Support Act 1991. A person who has custody of a child can apply for maintenance from the other parent by making application to the Inland Revenue (taxation) Department for an assessment of maintenance payable. The payment of maintenance is then enforced by the Department. The Family Court can review and reassess the amount of maintenance payable at the request of either parent only on very restricted criteria. This new legislation will come into force in July 1992, and it is hoped that it will result in a wider range of liable parents being assessed to pay maintenance for their children and for payment of maintenance to be more efficiently enforced.

A parent who has care of a child is entitled to welfare and tax benefits regardless of the parent's gender. However, a parent under the age of 18 is not entitled to a full single parent benefit unless there are special circumstances relating to that parent. In November 1991, 97,856 people were receiving a single parent benefit, of whom 88,344 (90.2%) were women.

Children who are conceived through donated sperm and ova are deemed to be the offspring of the 'social parents'; that is, if a married woman becomes pregnant through artificial insemination by donor or with donated ova, then she and her husband are the legal parents of the child and the donor has no legal status in relation to the child. There is no specific law governing surrogate motherhood, and the surrogate mother is the legal mother of the child whether her own or donated ova were used. Where surrogacy arrangements have been used, the 'social parents' can apply to adopt the child and acquire the legal status of parents, providing the surrogate mother gives her consent to the adoption. The area of assisted reproduction and new birth technologies is discussed further under Article 12.

FAMILY PLANNING

Men and women have equal access to family planning information, education and technology. Legally, any woman or man may give his or her consent to be sterilised. Contraception and abortion is discussed in detail under Article 12.

GUARDIANSHIP, WARDSHIP, TRUSTEESHIP AND ADOPTION

Non-Parental Guardians
Under the Guardianship Act 1968, persons other than parents can apply to be appointed guardian of a child, as well as or in place of the child's parents. A parent cannot be deprived of guardianship unless there is a grave reason why the parent is unfit to look after the child or is unwilling to do so. Step-parents or long term foster parents may apply to become guardians of a child and establish a legal relationship with that child without the complete exclusion of the natural parent which results if a child is legally adopted.

Wardship
Any person can apply to have a child made a ward of the High Court or to be placed under the guardianship of the Family Court, and the Court is required to give the welfare of the child first and paramount importance in its decisions. An application for wardship is usually made by a private citizen who believes rights of guardianship are being misused. If the state wishes to intervene on behalf of a child the provisions of the Children, Young Persons, and Their Families Act 1989 are used.

Guardians and Trustees
Men and women are equally eligible to become trustees in respect of the property of children or to become guardians of children whose parents have died. A parent may appoint a guardian for her or his children by will or deed.

Care and Protection
Children who are in need of care and protection because they are at risk of physical, emotional or sexual harm in their homes are dealt with under the Children, Young Persons, and their Families Act 1989. This legislation requires that children and young people must be protected from harm, their rights upheld and their welfare promoted. There is emphasis on the family and recognition that it is desirable for a child to live in association with its family. Applications to the court to have children placed in care are usually made by social workers of the Department of Social Welfare, and a family group conference is always held to attempt to find a solution to the situation.

Adoption
The law governing adoption was passed in 1955. Two spouses may jointly adopt a child, or a single person may adopt. A sole male may not adopt a female child unless the court is satisfied that he is the child's father or that there are special circumstances. The Act, requires that the child's welfare and interests be promoted by the adoption. People who are not married cannot make a joint application to adopt.

The Adult Adoption Information Act 1985 allows adult adoptees access to records relating to their birth parents, and vice versa, but either can place an embargo on the release of information. Adoption of babies by non-family members is now relatively uncommon, but adoption continues to be used for older children, reconstituted families and in long term foster situations.

FAMILY NAME AND OCCUPATION

There is no law in New Zealand requiring anyone to use a particular name. It has been customary for a woman to take her husband's surname on marriage, but this is not a legal requirement. In recent years, a growing number of women have chosen to retain their natal surnames and not take that of the husband on marriage. Some women are also passing their natal surnames on to their children. When a marriage is dissolved, a wife who has taken her husband's surname is free to revert to her previous name if she wishes. She may find it useful to make a statutory declaration to show her bank etc but she need not make a deed poll unless she wishes to use a name which has never been her legal name.

There are no legal differences between spouses regarding choice of profession or occupation.

PROPERTY RIGHTS

Matrimonial Property Rights
Property rights between spouse are governed by the Matrimonial Property Act 1976. This Act sets up a system of deferred participation. Each party can own and control property as he or she wishes during the marriage but on breakup of the marriage or if one party is dissipating assets of either spouse, an application can be made to the court for rulings as to the status and division of all the property owned by each spouse.

Prior to the marriage or at any time during the marriage the spouses are free to contract out of the provisions of the Act if they wish and can reach mutual agreement. Each party must be advised independently and the lawyer for each party must certify that the provisions and implications of the agreement have been explained to the client. Few New Zealanders contract out. This option is used sometimes by wealthy families or by people marrying for a second time or later in life when

they have accumulated property or have children whose interests they wish to protect.

Most commonly the Matrimonial Property Act 1976 is used to determine the shares of the spouses in their matrimonial property when their marriage breaks up. The parties can resolve these issues by means of a matrimonial property agreement and the parties must be independently advised before such an agreement is signed. If the parties are not able to reach agreement an application may be made to the court. Even where agreement is reached, the background to that agreement will be the principles established under the Matrimonial Property Act 1976.

Under that Act property is divided into two categories, matrimonial property and separate property. Generally matrimonial property includes all property acquired by either spouse since the marriage. Matrimonial property also includes the matrimonial home and the family chattels even if they were acquired prior to the marriage. The matrimonial home and the family chattels are divided equally between the spouses unless there are very exceptional circumstances which would render such equal division repugnant to justice. It is very difficult to depart from the principle of equal sharing in relation to the matrimonial home and family chattels. Other matrimonial property is normally divided equally between the parties but can be divided unequally where the contribution of one spouse to the marriage partnership has been greater than that of the other. Contributions to the marriage partnership are defined to include monetary and non-monetary contributions so that a woman who has kept house and raised the children of the family may still receive a one half share of the property.

Where there are very substantial and valuable matrimonial property assets there is more likely to be an unequal division. This is likely to be in favour of the spouse who has contributed those material assets. There are no cases where a spouse who has made exceptional non-monetary contributions has received more than a half share of the property but there are many cases where for example one spouse has built up a very valuable business during the marriage and has been awarded a greater than one half share to take account of that exceptional monetary contribution.

It must be remembered that in the majority of marriages where there is property to be divided, the assets are relatively modest and usually consist of the home, chattels and some savings which will be divided equally unless there are very exceptional circumstances.

There can be difficulties in achieving a fair division of matrimonial property where the parties have shares in a private family company. The spouse who wishes to retain those shares may be able to conceal the benefits and value of that ownership so that the other spouse does not receive a fair value for those particular assets. Also there is no adequate provision in the Act to bring back into the matrimonial pool property which has been diverted unfairly into family trusts to the detriment of one spouse.

Separate property owned by either spouse is not available for division between the spouses. Separate property is defined to include all property acquired before the marriage (not including the matrimonial home or family chattels) and any property which is inherited or given to one spouse during the marriage which has not been intermingled with matrimonial property to such an extent that it is untraceable. The fact that one spouse has owned property prior to the marriage and may have earned income from that property during the marriage may also result in unfairness, as assets purchased from separate income are also categorised as separate property and are not available for division on the breakup of a marriage.

Because women tend to have broken careers and earn lower incomes than men, and because they are also the parent most likely to provide custodial care after separation, they will often be in a poorer economic position after the end of a marriage despite receiving an equal share of the matrimonial property.

Because each spouse is entitled to control and deal with his or her property during the marriage, if one spouse accumulates a great deal of debt or becomes bankrupt, the other spouse cannot always receive his or her fair matrimonial property entitlement in preference to creditors. As it is more likely to be the husband who accumulates debt or becomes bankrupt the wife may often be at a disadvantage.

The Matrimonial Property Act 1976 is an improvement on the previous statutory law passed in 1963, which recognised non-monetary contributions to a marriage but allowed the courts a broad discretion as to how the property should be divided between the spouses. Prior to the 1963 Act, the fact of marriage did not alter the property position of the spouses and a spouse who could not show legal ownership by purchase or title deeds, or who could not establish an equitable interest through trust law received no share in the assets accumulated during the marriage.

A Working Party reported in 1988 on a review and update of matrimonial property law. The Department of Justice is considering the possibility of proposing further policy options.

Property of Spouses on Death
The Matrimonial Property Act 1976 does not deal with marriages where one party has died. Where matrimonial property issues arise in that situation, the surviving spouse must make an application under the Matrimonial Property Act 1963. Under this Act the division of the matrimonial property is at the discretion of the court and therefore the surviving spouse does not always receive the equal share that he or she would have received on breakup of a marriage under the provisions of the Matrimonial Property Act 1976.

Family Provision on Death
Either spouse and all children, whether male or female (dependent or independent), have a right to make a claim against a deceased spouse or parent under the provisions of the Family Protection Act 1955. This Act allows a claim against the estate of the deceased person where the claimant considers that he or she has not received an appropriate share of the deceased person's property under the provisions of his or her will or the person has died without leaving a will and the provisions of the Administration Act 1969 which operate in the case of an intestacy have not resulted in a fair provision for the claimant.

Intestacy
If a person does die without leaving a will (intestate) then his or her estate is distributed according to the provisions of the Adminstration Act 1969. Both male and female spouses and male and female relatives are treated equally in respect of their entitlements under the Administration Act 1969.

De Facto Marriage Relationships and Property Sharing
There is no statutory law governing the property relationship of men and women living in de facto marriage relationships. In some situations de facto couples will purchase property jointly and that will be shown on the relevant title documents. Where only one partner is the legal owner they are, however, treated in law as if they were strangers unless one can prove an equitable interest in property owned by the other. The case law has been developed in this area and the test used in recent Court of Appeal case (Gillies v Keogh [1989] 2 NZLR 327) was 'Would persons in the shoes of the plaintiff and defendant have reasonably expected or understood that the efforts of the plaintiff would have resulted in an interest in the defendant's property?' Other principles of trust law are also applicable such as the common intention of the parties, monetary contributions to an asset and unjust enrichment. The tests applied by the court are discretionary and the court is unlikely to award a half share to a non-owner de facto spouse who has not made a substantial monetary contribution.

The special conciliatory procedures and more relaxed rules of evidence of the Family Court are not available where a de facto spouse claims a share of a partner's property, as such claims must be brought in the High Court.

In the 1986 census approximately 57,500 couples were living in de facto relationships in New Zealand.

MINIMUM AGE FOR MARRIAGE

The Marriage Act 1955 stipulates that a marriage licence shall not be issued if either partner is under 16 years old. However, if a minor fraudulently obtains a marriage licence, he or she is liable to prosecution but the marriage is not invalid. The Act also requires that the marriage of a person under 20 years of age must be consented to by the parents or guardians, and that all marriages be registered.

INFORMATION AND PUBLICITY

During the reporting period, government publicity of the CEDAW Convention consisted of the publication by the then Ministry of Foreign Affairs (now Ministry of External Relations and Trade) of an Information Bulletin entitled *Discrimination Against Women – NZ Report*. It covered New Zealand's first report and replies to the questions asked of the New Zealand representative by the Committee. It also reprinted the Convention. It was published in English only.

The Information Bulletin was free of charge and received wide circulation in late 1988.

There was very little media interest in New Zealand's initial report to the Committee, and public awareness of the Convention is very low.

In 1989 the Institute of Policy Studies published the monograph *Women and Discrimination: New Zealand and the UN Convention* by Mai Chen, a law lecturer at Victoria University of Wellington. It received some publicity when it was launched by the Prime Minister.

There was publicity attached to Dame Silvia Cartwright's nomination and subsequent election to the Committee in 1991.

Appendix
SOURCES OF INFORMATION

(A) CONSULTATIONS

In order to obtain the information contained in this report, there was wide consultation with individuals and a range of private and public sector organisations. The following government departments and non-governmental organisations were consulted:

Government Departments and Statutory Bodies
Department of Health; Ministry of Education; Department of Labour; Ministry of External Relations and Trade; Department of Social Welfare; Department of Statistics; Human Rights Commission; State Services Commission; Family Violence Prevention Coordinating Committee; Ministry of Agriculture and Fisheries, Rural Affairs Unit; Department of Justice; Ministry of Maori Development – Te Puni Kokiri; Quest Rapuara; the Education and Training Support Agency.

Non-Governmental Organisations
NZ Employers Federation; Finsec (financial sector unions); NZ Nurses Union; NZ Nurses Association; Post Primary Teachers Association; NZ Educational Institute; Public Service Association; NZ Family Planning Association; Local Government Association; NZ National Party; NZ Labour Party; Bankers Association; Workbridge.

Women's Organisations
National Collective of Independent Women's Refuges; YWCA (Young Women's Christian Association); National Council of Women; Women's Division Federated Farmers; Country Women's Institutes; NZ Prostitutes Collective; Maori Women's Welfare League; Federation of University Women; Women's Electoral Lobby; Federation of Business and Professional Women's Clubs.

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REPORT SUBMITTED BY THE GOVERNMENT OF NIUE

PART I

Introduction

New Zealand's ratification of the Convention on the Elimination of All Forms of Discrimination Against Women on 20 December 1984 had the effect of extending the Convention to Niue, a self-governing State in free association with New Zealand. The first report on implementation of the Convention in Niue was considered by the Committee at the same time as New Zealand's initial report, in February 1988.

This is Niue's second periodic report to the Committee, submitted in accordance with Article 18 of the Convention. It covers information and statistics not contained in the initial report, and developments between submission of the first report and 1992, the date of preparation of the present report.

The Government of Niue entered the same reservations as the Government of New Zealand at the time of ratification.

Descriptions of the general, social, economic, political and legal framework within which Niue approaches its international obligations in respect of the treaties to which it is party, including the Convention on the Elimination of all Forms of Discrimination Against Women, can be found in the Report in respect of the International Covenant on Civil and Political Rights in 1983 (CCFR/C/10 Add.10 of 10 October 1983), and the Report in respect of the International Covenant on Economic, Social and Cultural Rights, submitted to the UN in August 1992.

Location, History and Background

Niue is the world's largest uplifted coral island with a land area of 259 km2. It is situated in Polynesia, south west Pacific, approximately 480km east of Tonga, 660km south east of Western Samoa, 930km west of Rarotonga and at latitude 19 degrees south and longitude 169 degrees west.

The atoll is formed of three terraces, the rim of the lower terrace averaging 28 metres above sea level. The interior dips to half of the elevation of the rim of the upper terrace.

A large proportion of the island is covered with scrub and there are several thousand acres of dense indigenous forest. There is no surface water but artesian bores enable the subterranean reservoir of fresh water to be tapped for domestic and agricultural purposes. The people live in 13 villages situated on the main perimeter road.

According to radio-carbon dating evidence some sites on Niue go back nine to thirteen hundred years. This date fits in well with what linguistic experts have to say about the Niuean language. It is definitely from the original Tongan and Samoan tongues and indicates that the first Niueans originated from Samoa and Tonga and most likely the areas more affected by Fiji.

The first recorded European visitor to Niue was Captain James Cook in 1774 who named the island Savage Island, after he mistook a challenge accorded for visitors as outright aggression. The name persisted for a century and as a result there was no European contact in the next half century.

Pre-Colonial Social Structures

Like any other society, Niueans had their own power structure. Class in Niue was based on performance of activities. The more famous their activities made them, the higher their status became.

Magafaoa, a term for the extended family, differed according to the power they possessed and the activities they performed. Magafaoa were classified according to the genealogical line or source, which was called mataohi.

Mataohi were described as:

mataohi iki	-	ancestral source of chiefs
mataohi toa	-	ancestral source of heroes
mataohi talahaua	-	ancestral source of famous men
mataohi teva	-	ancestral source of lazy people
mataohi kaiha	-	ancestral source of thieves

Supreme mataohi did not mix with the low mataohi in marriage. Brothers and sisters of the supreme mataohi got married to retain the strength, power and fame of these mataohi.

Niuean society was patrilineal. The right of ownership went to the mateniu (eldest son) or the next son if the eldest died. A unique practice of the Niueans was the right of the brother and not the husband to defend or take revenge on behalf of his married sister. A further unique tradition was the right of the sister and not the wife to eat the brother's remaining food if he was summoned to war while eating. A wife was subordinate to her husband but she still belonged to the magafaoa of her father.

Polygamy was practised by those in power. A woman who was taken by another man would still be well regarded if she was recognised for her beauty and descended from a famous mataohi. In fact, a husband returning from war would be disappointed to find his wife at home as it would mean that no man wanted her.

There is no longer a chiefly system on Niue. The elders of each magafaoa exert influence and have decision-making powers on land matters. Inheritance is through the male and female line.

Political Developments

In 1876, the Niueans elected a King, Mataio Tuitoga. His successor, Fataaiki, petitioned Queen Victoria to take Niue under her protection. This and similar requests in 1898 and 1899 were refused, but in April 1900, the Union Jack was hoisted and a British official, Basil Thomson, declared it to be a British protectorate.

Niue was formally annexed to New Zealand, as part of the Cook Islands, in September 1901. The island was made a separate administration with its own Resident Commissioner and Island Council in 1904.

In 1960, the first Niue Assembly was elected. In 1966, some of the Resident Commissioner's powers were delegated to the Assembly when Mr Robert Rex became leader of Government. Further changes were made in 1969 and 1974, and on 19 October 1974, Niue was granted the status of 'self-government in free association with New Zealand' when the Niue Constitution Act came into force. The Constitution made the New Zealand Government responsible for defence and foreign affairs, in effect on the delegated authority of the Niue Government. The General Assembly of the United Nations recognised Niue's act of self-determination, in resolution 3285 (XXIX) on 13 December 1974.

The Legislative Assembly has 20 members, 14 elected from village constituencies and six from the common roll. There is a Cabinet of four ministers, including a Premier. Sir Robert Rex has held this position since the time of self-government. The Head of State is Queen Elizabeth II who is represented officially by the Governor General of New Zealand. In effect, the Speaker of the legislature performs all of the tasks normally required of a representative of an absent Head of State.

Local government takes the form of 14 village councils elected for three-year terms.

Demographic Characteristics

The average population level recorded during the last half of the 19th century was approximately 5,000 people; at the turn of the century it was about 4,000; from the 1950s to the 1960s it increased to over 5,000 again; at the time that self governing status was obtained it was just over 4,000; and in 1989 the population level had decreased to 2,267.

According to the 1989 Agriculture Census, males accounted for 51% and females 49% of the total population of 2,267. The population is characterized by its youthful nature with 37% under 15 years of age and only 10% 60 years of age and above. The work force aged between 15 and 59 years of age accounted for 53% of the total population.

Niueans are New Zealand citizens and there are approximately 12,000 Niueans currently residing in New Zealand. In 1974, the Government introduced a plan to reverse the depopulation trend by offering assisted passages from New Zealand to Niue for returning skilled workers (in particular carpenters and motor mechanics). However, the scheme was discontinued as only a few people came and stayed. Attempts to revive it recently have been shelved because of lack of funds.

Economy

Niue is a developing country. The economy is largely based on foreign aid and to a lesser extent agriculture and handicraft production. Agriculture is basically a male activity but women are also involved, whereas handicraft production is mainly a female activity.

PART II

Articles Two, Three and Four: Measures taken to Eliminate Discrimination

The Constitution of Niue does not provide any entrenched fundamental rights. The Constitution Review Committee of the Niue Assembly recommended in 1991 that the question be addressed in a future review. (For further discussion on this subject see Report in Respect of the International Covenant on Economic, Social and Cultural Rights).

The Convention on the Elimination of All Forms of Discrimination Against Women, as with other treaties, is not directly enforceable in the Courts of Niue. The common law presumption against statutory interpretations which produce a result contrary to international legal obligations will, however, lead Niue Courts to have regard to the Convention when necessary.

Government Machinery for Encouraging the Participation of Women

The Office of Community Affairs has a Women's Affairs section whose main objectives are:

* to provide for the changing role of women in the family unit, the workforce and in the community;

* to encourage and assist women to be involved in income generating activities and in decision making bodies; and

* to strive for improved job and leave conditions for working mothers.

In 1983 a Women's Affairs/Social Welfare officer was appointed, and she is the link between the Government and NGOs. She is responsible for:

* disseminating useful information to women groups;

* co-ordinating proposals from women groups for the Government and conveying and implementing Government decisions relating to women;

* negotiating and organising training programmes suitable for women;

* promoting research into women's needs;

* preparing project proposals for donor agencies and monitoring progress of activities; and

* keeping NGOs informed of issues affecting their needs and aspirations.

The Women's Affairs/Social Welfare officer in conjunction with a UNDP consultant was also responsible for the production of the catalogue of handicrafts of Niue and the initial operations of the women's craft shop. The Community Affairs Office has three ongoing projects for women which include the kitchen/petio project, the pandanus planting project and the craft preservation project.

Since the reduction of financial assistance to Niue from New Zealand in 1989 which subsequently led to the reduction of the size of the public service, the position of Women's Affairs/Social Welfare officer was disestablished. The Homecraft/Home Economics officer has taken over her duties with the result that some of her own work has had to be dropped. There has been no workshops since but the Huanaki Cultural Centre has been organising some craft and needle work workshops.

The Women's Affairs/Social Welfare officer is responsible to the Minister of Community Affairs through the Director of Community Affairs.

Article Five: Roles and Stereotyping

The declining population of Niue and the changing attitudes of society have contributed to the selection and appearance of women in many roles formerly designated for men only. This is particularly evident in the church and several non-governmental organisations.

There is provision for paternity leave in the Niue Public Service. The leave is designed to enable the father to assist with family matters when other sources of assistance are exhausted.

Article Six: Traffic and Prostitution of Women

Slave dealing which includes debt bondage and serfdom, and organised prostitution, do not exist in Niue.

Article Seven: Political Rights of Women

The Legislative Assembly is elected on the basis of universal adult suffrage. The first election following self-government was in 1975. This was the first election at which six common roll seats were contested, in addition to the 14 village constituencies. It was also the first time that women stood as candidates and two became members.

The common roll seats are the most hotly contested, while the 14 village constituencies are often elected unopposed or pre-selected by a traditional process dominated by Church leaders and village elders (Kalauni 1983: 150). According to Solomona Kalauni, it is the common roll seats which give the best chance for women and young professionals to be elected. For example, in 1978, three women and a young businessman were elected; in 1981, a women and three professional men polled highest among successful candidates.

In 1990, the two successful women candidates polled first and third and the other four places went to men. The current Legislative Assembly therefore has two women members out of a total of twenty. Of the 14 village councils, 4 have chairwomen. In addition there are three women councillors on village councils.

Non-Government Organisations

The first women NGO's in Niue grew out of the churches and in particular, the Ekalesia Niue, the church which evolved from the London Missionary Society via Samoan missionaries. Each village has an Ekalesia Niue church with a Federated Congregation of Women (FCW) organisation for women and Girls' Brigade for girls. Besides holding monthly services, the FCW look after members' families if there is a birth, illness or death in the family. They also hold welcome and farewell functions for members and village visitors and occasionally supply the hospital with food and money. The Girls' Brigade organisation hold classes for the teaching of sewing, knitting, crocheting and craft making skills. At a later point, the Latter Day Saints and Roman Catholic churches also established women groups for craft making and cooking sessions.

The first national NGO, the Women's Interest Club was established in 1962. Its main objectives are to foster good relationships amongst all women on the island and to apply for the betterment of the whole community - their role in their homes, and community and environment.

The Women's Advisory Council was established in 1983 and is the national organisation responsible for planning, coordinating, monitoring and evaluating women's activities at the village and the national level. It is an umbrella organisation with 16 members made up of fourteen village and two church organisations. Its main objectives are:

* to unite village and church groups for mutual co-operation;
* to work for the economic and social development of women;
* to promote the moral and social welfare of the community;
* to liaise with other overseas women's organisations and thus keep informed on global women's developments;
* to work with the Government of Niue for the common good of community life; and
* to collect and distribute information which helps educate women to improve the quality of life.

Following the merging of the Office of Community Affairs positions of Women's Affairs/Social Welfare officer and Homecraft/Home Economics officer in 1989 the Women's Advisory Council has gone ahead with its own programme of activities, concentrating mainly on the Drum Oven Project.

Niue was represented by Ms Tauveve Jacobsen, MP, Niue Women's Advisory Council, and Ms Vitolia Kulatea, Acting Women's Affair's Officer of the Office of Community Affairs, at a seminar on the CEDAW Convention for South Pacific countries, organised by the UN Division for the Advancement of Women with the New Zealand and Australian Governments in March 1991 in Rarotonga. Subsequently, a report on the Status of Women in Niue was prepared by the Director of Community Affairs, Mrs Fifita Talagi, with copies given to the Women's Advisory Council for further circulation to other NGOs.

The Women's Handicraft Co-operative established in 1985 is a registered co-operative which markets some of the fine handicrafts produced in Niue.

It should be noted that Niue has a small population and the same women belong to the Women's Advisory Council, the Women's Interest Club and the Women's Handicraft Co-operative.

Article Eight: International Representation and Participation

The New Zealand Government exercises its responsibilities in respect of Niue's external affairs and defence, in effect on the delegated authority of the Niue Government. Currently there are three Niueans, all of them women, employed by the New Zealand Ministry of External Relations and Trade. One is a diplomatic career officer.

Article Nine: Nationality

Women have the same rights as men in regard to nationality. These rights are not affected by marriage.

Children born to parents of mixed marriages take the citizenship of the country in which they are born. At the age of 21 years old, they have to decide which citizenship should be adopted or retained.

Article Ten: Education

Education is free and has been compulsory for all Niueans between the ages of 5 and 14 since 1916.

Overseas education was made available for boys in the early 1950s and for girls in the second half of that decade. There were always more boys than girls until 1965 when an equal number were sent overseas. The number changed again in 1967 when only those who passed the New Zealand School Certificate examination were eligible for overseas education.

There is only one high school on Niue in Alofi. The 1991 roll was 305 comprising of 159 boys and 146 girls. In 1989, the seven primary schools were amalgamated into one school and centred also in Alofi. The 1991 roll was 364 comprising of 168 boys and 196 girls.

Three girls are in their third year of the Government's apprenticeship scheme. One is already a qualified automotive electrical mechanic.

In 1991, there were 66 Niueans studying in tertiary institutions in New Zealand, Australia, Fiji and Western Samoa on government sponsored scholarships. Of this total, 28 are women and 38 men.

The first Niuean to graduate from university was a man in 1971. The first female achieved this in 1973. The number of women university graduates has increased since but only 3 compared with 5 men are still on Niue.

The University of the South Pacific established an Extension Centre in 1976 in Niue and offers foundation and degree level courses.

Article Eleven: Employment

The economy of Niue is largely based on foreign aid and, to a smaller extent, agriculture and handicraft production. Agriculture is basically a male activity but women are also involved. Handicraft production is mainly a female activity in Niue.

According to the 1989 Agricultural Census, there were 156 women employed in the public service of a total of 520 employees. For Government employees, the Appeals Committee is responsible for dealing with grievances against appointments, pays and dismissals from the Public Service. The Public Service Manual, issued under section 665 of the Niue Act 1966, requires promotion to be on merit.

In 1991 there were two women heads of Government departments and one deputy director; one matron; one deputy principal; and one police sergeant. Women are also in charge of the Huanaki Cultural Centre and the Public Library.

There is a female Justice of the Peace and the local Philatelic Bureau is headed by a woman.

In the private sector, in 1991, 54 women were employed compared to 29 men. In fact more women than men are operating small businesses.

Currently small industries and businesses operated by women in Niue include a screen business, a unisex hairdressing salon, a food take-away, a motel, three clothes boutiques, two craft shops, three garment making businesses and five small shops.

There are approximately seven Government-appointed boards in Niue. Women are represented on all except the Price Control, Liquor and Niue Language Boards. The Niue Cultural Council has 3 women members, the Broadcasting Corporation of Niue has 2 women members and the Tourist Board and Development Finance Committee have a woman member each.

Article Twelve: Health and Fertility

The standard of health in Niue is, in general, very high. All medical and dental services are provided free of charge to patients. Lord Liverpool Hospital is the only hospital with 30 beds.

The hospital has a female doctor. Family planning information and contraceptive methods are readily available to married women only. Family planning is made available to single women if it is feared that their health may be at risk. Oral contraceptives (pills), injections of Depo Provera and the intra-uterine device (IUD) are the most common types of contraceptives used. In Niue contraceptives are used more for the spacing of children than for reducing the number of births.

A woman cannot have a tuboligation without the consent of her husband and a man cannot have a vasectomy without the consent of his wife. Women under 30 years of age and do not have five children or more are not allowed to have a tuboligation.

In 1986 there were 48 births on Niue, 50 in 1987, 55 in 1988, 49 in 1989 and 52 in 1990. There is a very low infant mortality rate, with no deaths of infants under one year old in 1987 and 1988.

A maternal and child health service is available to all families concerned. Every child born in Niue is subject to compulsory vaccination against diptheria, whooping cough, tetanus, poliomyelitis, measles and rubella.

Women's life expectancy has risen steadily since 1971 from 64 years to 68 in 1987 compared with men's which has risen from 60 to 63 years in the same period.

Breast and cervical cancer for women is prevalent but not common compared to other types of cancer in Niue.

According to the 1987 National Nutrition and Dietary Survey of Niue the height of Niuean women in the past 40 years has increased by 5cm. In addition, there is slightly more obesity in women who remain at home to work than those women engaged in government, business or other occupations. Overweight and obesity are major nutritional problems for women on Niue. In 1987, the overall prevalence of obesity was 46%, with a further 38% overweight. The problem was more prevalent in women in the middle age groups - 30-59 years - with about 60% of women in these age groups obese.

Article Thirteen: Economic and Social Life

Women are prominent in church and community affairs (see activities described under Article Seven, Non-Government Organisations, above).

Article Fourteen: Rural Women

Niue is basically a rural country. As it is just one island, there is no isolation problem. Although there is no public transport system, everyone has access to transport to travel outside their village.

Water and electricity are available in all villages. Education and school transport is available free of charge. The Health Department provides a round-the-island service twice a week to visit the sick. If a person needs hospital attention immediately, the ambulance will go out and bring the patient to hospital. Those who have transport are encouraged to bring their sick relatives to the hospital.

Women, like men, are eligible for any type of loans for business development provided they meet the criteria of the lending institutions.

Article Fifteen: Equality Before the Law

Women and men are equal before the law. In land matters, women have equal rights with men. There are women members of the judiciary.

Article Sixteen: Marriage and Family Law

Under Part XXI of the Niue Act 1966, and the Niue Marriage Regulations of 1970, no marriage can be entered into without the full and free consent of both parties.

Every intended marriage is publicised and must take place before a marriage officer. The minimum age of marriage for women is 15 years (19 without parental consent) and 18 years of age for men (21 without parental consent).

Divorce in Niue is covered by the New Zealand Family Proceedings Act 1980, and the Niue Act gives the High Court the same jurisdiction as the High Court of New Zealand in dissolving a marriage.

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ANNEX II

TOKELAU

INTRODUCTION

There was no separate section on Tokelau in New Zealand's initial report on the Convention. The distinctiveness of Tokelauan society and Tokelau's growing capacity to govern itself now suggest, however, that separate comment would be appropriate. This report covers the Convention's implementation with regard to Tokelau up to mid 1992. It should be read in conjunction with the reports submitted on the implementation of the International Covenant on Economic, Social and Cultural Rights in New Zealand and Tokelau; and with the first and second reports on implementation of the International Covenant on Civil and Political Rights with regard to Tokelau.

Work on the translation of the Convention on the Elimination of All Forms of Discrimination against Women into the Tokelauan language has now been completed as part of a larger project for the translation of the complete International Bill of Human Rights. The document has been published by the Tokelau Administration, and widely distributed through the village councils and the Office for Tokelau Affairs.

PART I

Tokelau consists of three small atolls in the South Pacific - Atafu, Nukunonu, and Fakaofo - with a combined land area of approximately 12 square kilometres. The central atoll, Nukunonu, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Western Samoa, the nearest sizeable neighbour, is 480 kilometres to the south.

The population of Tokelau as recorded in the most recent five-yearly census (1991) is spread between the three atolls as follows:

	Male	Female	Total
Atafu	265	278	543
Nukunonu	220	217	437
Fakaofo	289	308	597
Totals	774	803	1577

Although Tokelau lies in a border zone between Micronesia and Polynesia, its people are Polynesian. Tokelau retains linguistic, family, church and cultural links with Western Samoa; and also shares important cultural traits with its other nearest neighbour, Tuvalu. "Faka-Tokelau" (the Tokelau way of life) reflects, however, a distinctive and complex social and economic order based on the values of community and sharing. These traditional values remain strong in present-day Tokelau, despite the important changes that external influences have brought about in more recent times.

Tokelau is, according to the Tokelau Act 1948, "part of New Zealand". (As such it can not be correctly described as a Territory of New Zealand, even though it has a largely separate legal, judicial and political system and remains on the list of territories to which the General Assembly's Declaration on Colonialism continues to apply.) The same Act gives the Governor General of New Zealand the power, by Order in Council, to "make all such regulations as he thinks necessary for the peace, order and good government of Tokelau."

The Tokelau Administration Regulations 1980 establish the administrative authority for Tokelau and give the New Zealand Minister of Foreign Affairs the power to "appoint such person as he thinks fit to be the Administrator of Tokelau" and charge the person so appointed with "the administration of the executive Government of Tokelau". The Administrator is bound by the New Zealand Human Rights Commission Act 1977 in all dealings with Tokelau.

In practice, although he retains legal authority and responsibility for the administration of Tokelau, the Administrator also delegates all of his powers to Tokelauans and Tokelau institutions.

The foremost political institution in Tokelau is the General Fono, which brings together at least once a year representatives of the three atolls to decide policy on Tokelau-wide matters and to endorse the annual budget. The three atolls enjoy a large measure of administrative and political autonomy. Their principal organ of government is the Taupulega or village council. This has the power in terms of the Village Incorporation Regulations 1987 to manage the village and to exercise all the powers of the village. Two official positions on each atoll are elected by universal adult (male and female) suffrage at three yearly intervals.

Detailed information on the sources of law in Tokelau is contained in the two reports on implementation of the International Covenant on Civil and Political Rights. Essentially, however, the existing hierarchy of law in Tokelau is:

1 Acts of the New Zealand Parliament expressly extended to Tokelau;

2 regulations made by the Governor General of New Zealand according to Section 4 of the Tokelau Act 1948 or otherwise made in respect of Tokelau and regulations expressly extended to Tokelau;

3 rules of the villages;

4 English law as at 14 January 1840, subject to certain conditions;

The essential point is that all laws or rules affecting Tokelau are now made either by the Tokelauans themselves or at their request and with their consent.

PART II

There is nothing in the laws of Tokelau sanctioning any kind of discrimination against women; and in general women enjoy the same economic, social and cultural rights as men. Nevertheless Tokelau is a society that continues very largely to be organised by Tokelauans in accordance with tradition and custom. Work is undertaken on a communal basis and food gathered from the sea or the plantations is shared evenly.

That tradition and custom still assigns to men and women roles that are quite distinct. Men tend to do the fishing, planting, building and unloading of supplies and to take decisions at family and village level, whereas women tend to look after the cooking, cleaning, weaving, care of children and other domestic responsibilities. As a consequence, only men can become members of the Village Councils. In the past this meant that delegates to the General Fono were also male, although there was no legislative requirement to this effect. As the General Fono has assumed a progressively more substantial political role in recent years, however, there has been a corresponding awareness that the General Fono ought to reflect a complete cross section of the community and women have been increasingly selected as delegates. The precedent of female representation has, therefore, been firmly established even if there is still a long way to go.

There has also been progress in other areas. The first female school principal was appointed in 1987 and the first female director of a government department (the Department of Education) in 1989. In 1986 the General Fono approved the establishment of a Tokelau National Council of Women and agreed to provide funding for programme activities and development projects. The Council now has about 400 members ranging from school leavers to the very old residents of the atolls.

The women's committees in each of Tokelau's villages are involved in activities for maternal health and health education. Maternal deaths are now very rare in Tokelau: for instance in the 1979-1985 period, none occurred. Table A shows the combined age specific mortality rate for females and males.

A table showing the pattern of employment in the Tokelau Public Service is included as Table B. Female employees with at least one year's service may be granted maternity leave without pay for a period of up to six months. However, the first 30 days may subsequently treated as leave on pay, where the woman returns to work before the end of six months. Positions are held open for employees on maternity leave for the six months period.

The law of Tokelau recognises that the family is the natural and fundamental group unit of society. Detail of the traditional Tokelauan family structure is contained in the two reports presented to the Human Rights Committee on implementation of the International Covenant on Civil and Political Rights (particularly in relation to Articles 23 and 24). The relevant Tokelauan regulations in this context are the Tokelau Births and Deaths Registration Regulations 1969, the Tokelau Marriage Regulations 1986, the Tokelau Divorce Regulations 1987, and the Tokelau Crimes Regulations 1975.

The Tokelau Crimes Regulations 1975 provide that certain acts and types of behaviour of which the main victims are women constitute crimes for which special penalties are provided. These include abduction of girls under 15, sexual intercourse or indecency with a girl under 12, and with a girl between 12 and 15 years of age.

TABLE A

COMBINED AGE SPECIFIC MORTALITY RATE*

Age Group	1986 Mid Yr Population (m)	(f)	Total Mortality (m)	(f)	Age Specific Death Rate/1000 (m)	(f)	(t)
0- 4 yrs	118	118	9	5	76.3	42.4	59.3
5- 9 yrs	117	100	1	-	8.5	0	4.6
10-14 yrs	127	114	1	-	7.9	0	4.1
15-19 yrs	77	70	3	-	38.9	0	20.4
20-24 yrs	58	57	-	-	-	-	-
25-29 yrs	64	69	-	-	-	-	-
30-34 yrs	46	54	-	-	-	-	-
35-39 yrs	23	47	1	-	43.5	0	14.3
40-44 yrs	29	34	-	-	-	-	-
45-49 yrs	28	39	2	2	71.4	51.3	59.7
50-54 yrs	32	34	2	2	62.5	58.8	60.6
55-59 yrs	31	30	1	1	32.3	33.3	32.7
60-64 yrs	18	31	6	4	333.3	129.0	204.0
65-69 yrs	18	23	10	6	555.5	260.8	390.2
70-74 yrs	21	16	7	8	333.3	500.0	405.4
75-95 yrs	24	21	19	31	791.6	1000.0	1000.0
96+ yrs	-	-	-	-	-	-	-

* For 1979-1985, 1987, 1988, 1989.
1986 mid-year population is used.

TABLE B

TOKELAU PUBLIC SERVICE EMPLOYEES

	Permanent Staff		Temporary Staff		Total Staff	
	31/3/87	15/5/91	31/3/87	15/5/91	31/3/87	15/5/91
Male	107	100	8	8	115	108
Female	59	58	13	22	72	80
TOTAL	166	158	21	30	187	188

DISTRIBUTION BY DEPARTMENTS
(Permanent and Temporary Staff)

	Male		Female	
	31/3/87	15/5/91	31/3/87	15/5/91
Administration	27	26	8	9
Agriculture	12	10	0	1
Education	20	21	42	45
Health	9	5	22	23
Public Works	43	36	0	0
Finance	4	10	0	2
	115	108	72	80
		166	158	